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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Democratic Republic of the Congo

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Introduction

1. The national report on the situation of human rights in the Democratic Republic of the Congo, drafted in the context of the second cycle of the universal periodic review (UPR), is submitted in accordance with paragraph 6, section I of Human Rights Council resolution 16/21 and paragraph 2 of Human Rights Council decision 17/119.

I. Methodology and broad consultation process followed for the preparation of the national report

2. The present report was drafted in stages, as described below:

(a) Follow-up by the Interministerial Human Rights Committee on the implementation of the recommendations made to the Democratic Republic of the Congo when it underwent the first cycle of the UPR;

(b) Organization of a workshop in Kinshasa in July 2013 to evaluate the recommendations formulated by the Human Rights Council when the Democratic Republic of the Congo underwent the UPR on 3 December 2009;

(c) Organization of consultations in Kinshasa and in the provinces on follow-up to implementation of the recommendations of the Human Rights Council, in the context of the second cycle of the UPR;

(d) Drafting of a midpoint assessment document on implementation of the recommendations;

(e) Recruitment of a national consultant to assess the level of implementation of the 132 recommendations accepted by the Democratic Republic of the Congo;

(f) Holding of consultations in Kinshasa and in three provinces (Katanga, North Kivu and South Kivu) by the national consultant on implementation of the recommendations;

(g) Organization by the Interministerial Human Rights Committee of consultations in Kinshasa with non-governmental human rights organizations concerning the promotion and protection of human rights on the ground;

(h) Preparation of the draft national report by the Interministerial Human Rights Committee;

(i) Organization in Kinshasa, with the assistance of the United Nations Joint Human Rights Office, of a validation workshop for the draft national report for the second UPR cycle from 21 to 22 January 2014, bringing together the representatives of public institutions, non-governmental human rights organizations, United Nations partners and agencies and provincial delegates.

II. Development of the normative and institutional framework for human rights

A. Normative framework

3. The Democratic Republic of the Congo is governed by the Constitution of 18 February 2006, as amended by Act No. 11/002 of 20 January 2011. The Constitution dedicates 57 articles to human rights and fundamental freedoms.

4. Apart from the Constitution, a number of ordinary and organizational acts with a real impact on the promotion and protection of human rights have been promulgated since 2009. The acts concerned are the following: Organizational Act No. 11/001 of 10 January 2011 concerning the organization, powers and functioning of the High Council for Broadcasting and Communications (CSAC); Act No. 10/010 of 27 April 2010 concerning public procurement; Act No. 11/008 of 9 July 2011 criminalizing torture; Act No. 011/22 of 24 December 2011 concerning basic principles relating to agriculture; Act No. 11/007 of 6 July 2011 concerning the implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction in the Democratic Republic of the Congo; Act No. 011/009 of 9 July 2011 concerning basic principles relating to the protection of the environment; Act No. 11/003 of 25 July 2011 amending Act No. 06/006 of 9 March 2006 concerning the organization of presidential, legislative, provincial, urban and local elections; Act No. 11/014 of 17 August 2011 concerning the allocation of seats by constituency; Organizational Act No. 13/010 of 19 February 2013 concerning proceedings before the Court of Cassation; Organizational Act No. 13/011-B of 11 April 2013 concerning the organization, functioning and competence of ordinary courts; Organizational Act No. 13/012 of 19 April 2013 amending and supplementing Organizational Act No. 10/013 of 28 July 2010 concerning the organization and functioning of the Independent National Electoral Commission; Act No. 13/005 of 15 January 2013 concerning the military code of the Armed Forces of the Democratic Republic of the Congo; Act No. 13/013 of 1 June 2013 concerning National Police personnel regulations; Organizational Act No. 13/026 of 15 October 2013 concerning the organization and functioning of the Constitutional Court; Act No. 13/011 of 21 March 2013 concerning the establishment of the National Human Rights Commission.

5. The Democratic Republic of the Congo has also continued its efforts with regard to the ratification of international human rights conventions. These include accession to the Treaty on Harmonization of Business Law in Africa by Act No. 10/002 of 11 February 2012 authorizing the accession by the Democratic Republic of the Congo to the Organization for the Harmonization of Business Law in Africa (OHADA) Treaty and, on 23 September 2010, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Act No. 13/024 of 27 July 2013 authorizing the accession by the Democratic Republic of the Congo to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto.

B. Institutional framework

6. At the institutional level, it should be pointed out that, from 2009 to date, a number of bodies were established by the Democratic Republic of the Congo, as follows: the High Council for Broadcasting and Communications (CSAC), by Act No. 11/001 of 10 January 2011; the Independent National Electoral Commission, by Organizational Act No. 10/013 of 28 July 2010 as amended and completed to date; and the Economic and Social Council, by Organizational Act No. 13/027 of 30 October 2013. Organizational Act No. 13/026 of

15 October 2013 concerning the organization and functioning of the Constitutional Court was enacted. The National Agency to Combat Violence against Women and Girls was established by Decree No. 09/38 of 10 October 2009, and the Human Rights Liaison Body was established by Prime Ministerial Decree No. 09/35 of 12 August 2009. Juvenile courts were established by Act No. 09/001 of 10 January 2009, although the ordinary benches were fixed by Prime Ministerial Decree No. 11/01 of 5 January 2011. The Protection Unit for Human Rights Defenders was established by Ministerial Order No. 219/CAB/MIN/J&DH/2011 of 13 June 2011.

III. Promotion and protection of human rights on the ground and respect for international obligations

A. Civil and political rights

Right to life and protection of physical integrity

7. This right is guaranteed under article 16 of the Constitution, which provides that the human person is sacrosanct. Moreover, the latter enjoys special protection, strengthened by article 61 of the Constitution, which makes protection of the human person a core element of human rights. In this regard, although the death penalty remains enshrined in domestic positive law, the Democratic Republic of the Congo observes a de facto moratorium and the death penalty has not been implemented for 11 years.

8. Similarly, in order to ensure that the physical integrity of the human person is protected effectively and in accordance with international standards, the Democratic Republic of the Congo established torture as a separate offence by the enactment of Act No. 11/08 of 9 July 2011 criminalizing torture. Since that time, it has been firmly committed to combating the scourge of torture. To illustrate that commitment, at least five members of the Armed Forces of the Democratic Republic of the Congo, five officers from the Congolese National Police, one National Intelligence Agency officer and an agent from an administrative authority have been convicted for having committed or encouraged torture. In this regard, penalties ranging from 6 months' to life imprisonment have been imposed by courts in the provinces of Bas-Congo, Equateur, Kasaï-Occidental, Kasaï-Oriental, Katanga and Maniema.

9. In order to give effect to the laws enacted in 2006 pertaining to sexual violence and with a view to providing holistic care to victims of sexual violence, the Government adopted a National Strategy to Combat Sexual and Gender-Based Violence in November 2009, in addition to a plan of action aimed at combating impunity, prevention and protection, reform of the security sector and sexual violence, multisectoral assistance, data and mapping. On 30 March 2013, the Government reaffirmed its commitment to step up its efforts to combat sexual violence with the signature of a joint statement by the Prime Minister and the Special Representative of the Secretary-General of the United Nations on Sexual Violence in Conflict.

10. Moreover, in the context of combating offences against the person including homicide, Organizational Act No. 13/011-B of 11 April 2013 concerning the organization, functioning and competence of ordinary courts was enacted. Under this Act, the Courts of Appeal are competent to hear cases of first degree crimes of genocide, war crimes and crimes against humanity committed by persons under their jurisdiction and that of the courts of major jurisdiction who, formerly, were subject only to the jurisdiction of the military courts. In practice, proceedings have been brought against presumed perpetrators of acts of sexual violence and convictions have been handed down in those cases. Recently, following investigations by the South Kivu Senior Military Prosecutor's Office, a case was

brought in Goma against 12 officers from the Armed Forces of the Democratic Republic of the Congo who were unit commanders when Goma was taken by the March 23 Movement (M23) in November 2012, whose men committed acts of sexual violence and other offences in Minova.

Civil liberties

11. Among the freedoms guaranteed by the Constitution, the following should be highlighted:

- Freedom of association (art. 37) is effectively enjoyed by Congolese citizens. Whereas in 2009 there were a mere 295 political parties in the Democratic Republic of the Congo, there are 451. The effective enjoyment of this freedom is also evident with regard to civil society organizations, of which there are 21,618. All of these political parties and civil society organizations operate freely, subject to respect for the law, for public order and public morality;

- The right to vote is enshrined in article 5 of the Constitution. It is exercised freely by every Congolese citizen in democratic, free and transparent elections held at intervals established by law. For the sake of impartiality, these elections are organized by an independent body, the Independent National Electoral Commission, which was created to support democracy pursuant to article 211 of the Constitution. In order to guarantee greater electoral transparency, Organizational Act No. 10/013 of 28 July 2010 concerning the organization and functioning of the Independent National Electoral Commission was amended by Organizational Act No. 13/012 of 19 August 2013, which, substantially increased civil society participation and the participation of women, whose presence as members of the Commission has reached 30 per cent;

- Freedom of expression and information are guaranteed under article 23 of the Constitution. It should be noted that these freedoms are equally effectively enjoyed. At present, the Democratic Republic of the Congo has 445 newspapers and periodical publications. The number of broadcasting bodies has increased, from 287 in 2009 to 447 to date; 260 are radio stations and 187 television channels. Through these media, Congolese citizens and those who have chosen the Democratic Republic of the Congo as their second homeland can express themselves without restriction, subject to respect for the law, for public order and public morality;

- The right to fair representation of women in institutions (art. 14 of the Constitution). In view of this right, the Democratic Republic of the Congo makes considerable efforts to ensure effective gender parity. Accordingly, on 15 December 2013 Parliament adopted the Act on the implementation of women's rights and parity, which is pending promulgation. In practical terms, it should be noted that four women have recently been appointed to the rank of General, three in the Armed Forces of the Democratic Republic of the Congo and one in the Congolese National Police.

It should be underscored that the principle of women's representation is already enshrined in the laws regulating all institutions supporting democracy and the Economic and Social Council.

Access to justice and to a fair trial

12. As law enforcement and human rights are indivisible, the Government of the Democratic Republic of the Congo has undertaken a number of actions to facilitate the access of Congolese citizens to justice and to a fair trial, including the rehabilitation or progressive construction of buildings housing courts and prosecution services in Kinshasa

and the provinces. In this regard, it should be noted in particular that the Government, with the assistance of partners including the European Union, is constructing the building that will house the High Courts of Justice (the Constitutional Court, the Court of Cassation and the Council of State). At the same time, it is establishing 12 juvenile courts and 11 commercial courts. In 2010–2011, it recruited 2,000 trained, appointed judges, including 400 women. In view of the vast size of the country, the task remains cumbersome in terms of infrastructure.

13. Also in the context of the reform of the judicial system, a number of laws have been promulgated, including: Organizational Act No. 13/011-B of 11 April 2013 concerning the organization, functioning and competence of ordinary courts; Organizational Act No. 13/010 of 19 February 2013 concerning proceedings before the Court of Cassation; and the Organizational Act concerning the organization and functioning of the Constitutional Court.

B. Economic, social and cultural rights

Right to education

14. In order to ensure that the right to education is effective and non-discriminatory, the Government has developed a national education strategy and constructed training centres for inspectors and teachers in the towns of Mbandaka, Kinshasa, Kikwit and Mbuji-Mayi. Moreover, it is implementing the Reconstruction and Rehabilitation of School Facilities Project for the construction of 1,000 schools, 4 in each territory. To date, 128 schools have been built.

15. Free primary education was introduced in 2010. It is being introduced progressively, in view of the multiple constraints that the Government continues to face that are not conducive to the effective implementation of this measure throughout the country.

Right to health

16. The Government has made various efforts to facilitate access to health care, including by equipping and refitting 66 public hospitals and 330 health centres, with the support of the United Nations Children's Fund (UNICEF) and the GAVI Alliance; refitting a further 120 public hospitals and 1,280 health centres with the support of the Global Fund; and rehabilitating Kinshasa Medical Training Institute.

17. The Government has taken a number of steps to support the public health sector, including in connection with the prevention and treatment of malaria, (distribution of treated mosquito nets), vaccination with vitamin A, the establishment of minimum requirements for emergency surgery and emergency obstetrical care, mass campaigns and provision of medical kits for persons living with HIV/AIDS, and vaccination campaigns against tuberculosis and poliomyelitis.

18. Between 2010 and 2011, male life expectancy increased from 48 to 53 years, while female life expectancy increased from 48 to 56 years (source: World Health Organization and United Nations Development Programme).

Right of access to drinking water

19. With regard to access to drinking water, in view of the low coverage rates throughout the entire country, the Government has launched a considerable number of programmes and projects to support the development of rural infrastructures, known by the acronym PADIR. As a result, 212 water supply points, 77 boreholes and 18 drinking water supply facilities have been set up in the provinces of Bandundu, Bas-Congo, Kasaï-Occidental, Kasaï-Oriental and Katanga.

Right to work

20. In seeking solutions for basic social needs, the Government introduced a public works policy, the implementation of which created new jobs for the national labour force. From 2011 to 2013, 156,887 jobs were created in this manner. With regard to freedom of association, the Democratic Republic of the Congo currently has 129 public sector and 233 private sector and parastatal trade union organizations and their capacities are being strengthened in accordance with International Labour Organization (ILO) standards. In this regard, it should be noted that civil service elections were organized, for the first time in the Democratic Republic of the Congo, in accordance with Decree No. 013/CAB.MIN/Fp/j-ck/40/dn/gnk/019/013 of 1 July 2013 establishing the Civil Service Trade Union Electoral Code.

C. Collective rights

21. Given that peace remains the indispensable condition for the realization of all other human rights, the Government has made efforts on political, diplomatic and military fronts to put an end to the recurrent armed conflicts that have bloodied the eastern provinces for some 15 years. At the political and diplomatic levels, a number of initiatives have led to the signature of agreements, notably the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, known as the Addis Ababa framework agreement, which was concluded on 24 February 2013, and the Nairobi declarations of 12 December 2013. In that context, a national mechanism for oversight and monitoring of the commitments made under the aforementioned agreement was established by Ordinance No. 13/020, which was signed by the President of the Republic on 13 May 2013. In the same connection, a committee was established to follow up on the recommendations made following the national consultations held in Kinshasa from 6 September to 6 October 2013. Moreover, in the context of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) a rapid intervention brigade was established to combat armed groups in the Democratic Republic of the Congo, pursuant to United Nations Security Council resolution 2098 (2013). At the military level, the defence sector reforms that were implemented with support from international partners enabled the country to restructure its defences. This led to the elimination of negative M23 forces in December 2013 and the restoration of Government authority in formerly occupied areas.

D. Rights of specific groups

Children's rights

22. Pursuant to the Convention on the Rights of the Child and in order to further strengthen child protection, the Democratic Republic of the Congo gives priority to the promotion and protection of children's rights. A number of important regulatory texts have been introduced, including Prime Ministerial Decree No. 11/01 of 5 January 2011 establishing the jurisdiction and seats of juvenile courts. In addition, the Ministers of Justice and Human Rights and the Minister of Gender, Family Affairs and Children signed Interministerial Order No. 490/CAB/MIN/J & DH/2010 and Interministerial Order No. 011/CAB/MIN.GEFAE, establishing a mediation committee on juvenile justice, on 29 December 2010. Pursuant to the aforementioned Decree, the Minister of Justice and Human Rights signed Order No. 001/CAB/MIN/J & DH/2011 establishing secondary seats for juvenile courts and Order No. 002/CAB/J & DH/2011 defining the jurisdiction and grouping of jurisdiction of juvenile courts for the enforcement of custodial, educational and protective measures. However, all childcare and educational establishments in the Democratic Republic of the Congo are in need of rehabilitation and reconstruction. In

December 2010, the Government issued a Ministerial Order establishing a legal assistance committee for widows and orphans, in order to provide protection for this group.

23. In addition, the National Fund for Promotion and Social Services developed in the course of its work a strategic and financial plan for the period 2012–2016 for the mobilization of resources for various social projects, including child protection projects.

24. Lastly, in the interests of child protection, the Government introduced formal training for social workers in October 2013 by the creation of a higher education establishment, known as the National Institute of Social Work.

Rights of persons with disabilities

25. With regard to persons with disabilities, it should be noted that Act No. 13/024 of 7 July 2013 approving the accession by the Democratic Republic of the Congo to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto was enacted. Moreover, it should be mentioned that in accordance with article 14 of Organizational Act No. 13/011 of 21 March 2013 concerning the establishment, organization and functioning of the National Human Rights Commission, persons with disabilities are represented on that body.

IV. Follow-up and implementation of recommendations and commitments undertaken in the previous review

Recommendations related to relevant human rights instruments and international humanitarian law, to improvement of the legislative and regulatory framework and abolition of the death penalty (recommendations 1–8, 10–12 and 30–32)

26. On 23 September 2010, the Democratic Republic of the Congo acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Organizational Act No. 13/024 of 7 July 2013 authorized the accession of the Democratic Republic of the Congo to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto and the accession process is under way. Moreover, the Democratic Republic of the Congo has taken steps to improve the legislative and regulatory framework for respect for human rights, notably through Ministerial Order No. 040/CAB/MIN/JIDH/2011 of 12 February 2011 concerning implementation measures for Decree No. 09/35 of 12 August 2009 concerning the establishment, organization and functioning of the Human Rights Liaison Entity in the Democratic Republic of the Congo; Act No. 11/008 of 9 July 2011 concerning the criminalization of torture; and Decree No. 11/01 of 5 January 2011 establishing the seats of juvenile courts. Besides this legislation, other legislative initiatives are under way. The Family Code is being revised, and the bill on procedures for the implementation of women's rights and gender parity has been passed and is currently pending promulgation. With regard to the abolition of the death penalty, it should be noted that the de facto moratorium on the death penalty remains in place.

Recommendations on the establishment of the National Human Rights Commission (recommendations 13–18)

27. The Democratic Republic of the Congo established the National Human Rights Commission by Organizational Act No. 13/011 of 21 March 2013. The leaders of the

Commission will be chosen by the National Assembly once nominated by their peers during the special session convened since 6 January 2014.

Recommendations on human rights education (recommendation 19)

28. Since 2009, the Civic Education and Social Action Service of the Armed Forces of the Democratic Republic of the Congo has trained 350 peer training officers in human rights and international humanitarian law, in the different military districts. Moreover, pursuant to article 45, paragraphs 6 and 7 of the Constitution, human rights are taught both at Kananga Military Academy and Kinshasa Military Staff School. It should also be noted that the Ministry of Defence and Veterans' Affairs and the Ministry of Justice and Human Rights, with support from national and international partners (MONUSCO and others), hold training sessions in this area on a regular basis, particularly for judges and court officials. Moreover, the national Universities Administration Board, the body responsible for developing university curricula, has just approved a course on human rights in the Faculty of Law. Furthermore, the Ministry of Justice and Human Rights organized an outreach campaign for defence and security forces and prison service officials throughout the country on the law criminalizing torture from July 2012 to November 2013.

Recommendations on cooperation with international and regional human rights mechanisms, civil society and regular submission of periodic reports (recommendations 20–23 and 122)

29. The Democratic Republic of the Congo maintains close cooperation with the different national and international partners involved in the different meetings to assess and follow up on the recommendations, with which it shares indispensable information in that regard. It also cooperates with all the international and regional human rights mechanisms established by the conventions to which it is a party. The Democratic Republic of the Congo continues to cooperate with the special procedures of the Human Rights Council and the other relevant regional mechanisms. In this regard, it has always responded favourably to all requests for visits made by mandate holders. It submits its reports to the treaty bodies on a regular basis. In July 2013, it submitted its combined sixth and seventh periodic reports on implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

30. With regard to the follow-up and implementation of recommendations, civil society remains involved at all stages of follow-up to the recommendations accepted by the Democratic Republic of the Congo, through consultations and meetings held for this purpose, as well as being involved at the approval stage of human rights reports.

Recommendations on the protection of vulnerable groups and combating discrimination against women (recommendations 24–29)

31. The Democratic Republic of the Congo has taken legislative initiatives with a view to ensuring the promotion and protection of vulnerable populations. These initiatives include Act No. 13/024 approving the accession of the Democratic Republic of the Congo to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto; Act No. 13/005 of 15 January 2013 and Act No. 13/013 of 1 June 2013 concerning the status of military personnel in the Armed Forces of the Democratic Republic of the Congo and career staff in the Congolese National Police, respectively; the Act establishing procedures for the implementation of gender parity, which is currently being promulgated.

In the same area, the Government has taken regulatory measures, including: Decree No. 13/008 of 23 January 2013 concerning the establishment of the national framework for humanitarian cooperation; Decree No. R9C/024/GC/CABMIN/AFF.SAH6 SN/09 of 9 November 2009 concerning the establishment of national guidelines for the protection and care of children from broken homes; Ministerial Decree No. 143 of 10 November 2010 establishing the steering committee for the street children project; and Ministerial Decree No. 063/CAB.MIN.AFF.SAH.SN/2012 of 17 September 2012 concerning the establishment, organization and functioning of the social workers' corps in the Democratic Republic of the Congo. Moreover, a number of strategies have been put in place, including the strategy for the implementation of the national policy on youth and the strategic plan for development, literacy and non-formal education (2012–2020), which is already being implemented. Furthermore, the Democratic Republic of the Congo has adopted and implemented the National Plan of Action for Orphans and Vulnerable Children.

Recommendation regarding strengthening the protection of the civilian population (recommendations 33 and 35)

32. In order to consolidate the authority of the State throughout the Democratic Republic of the Congo and to guarantee the rule of law, a civil administration has been established in liberated territories formerly under the control of armed groups in the east of the country. The Government has established special police units for the protection of women and children, which are operational in the east of the country and will cover the entire country, in order to strengthen the protection of the civilian population, particularly women and children, from violence.

Recommendations on the protection of children (recommendations 34 and 66–68)

33. Besides the policies and measures enumerated below, reference should be made to elements of the responses to recommendations 24–29. The measures concerned are: the progressive introduction of free primary education, launched in the public sector; the improvement of access to education in accordance with the Interim Education Plan; the construction of schools and health centres, funded by the Government; and the complete eradication of the phenomenon of child soldiers in the army.

34. The Democratic Republic of the Congo has taken effective measures to protect children from accusations of witchcraft through article 160 of the Child Protection Act No. 09/001 of 10 January 2009, which provides that: "Anyone who maliciously and publicly ascribes an act to a child that would offend the child's honour and dignity shall be liable to a penalty ranging from 2 to 12 months' imprisonment and a fine ranging from 200,000 to 600,000 Congolese francs (CGF). Anyone who accuses a child of witchcraft shall be liable to a penalty ranging from 1 to 3 years' imprisonment and a fine ranging from 200,000 to 1,000,000 CGF."

Recommendations on sexual violence and action to enforce the law (recommendations 9, 37–52 and 88–90)

35. The Democratic Republic of the Congo drafted the National Strategy against Sexual and Gender-Based Violence 2009 and established a mechanism for the provision of holistic care to victims through its various components. A number of advocacy campaigns have been conducted to mobilize donors and partners on the issue of sexual violence. The

National Women's Council at all levels (provincial and local) conducts awareness-raising campaigns and training sessions on the Convention on the Elimination of All Forms of Discrimination against Women, gender and elections. In this connection, the High-Level Consultation of Ministers in Charge of Justice and Gender from the Great Lakes region on Sexual and Gender-Based Violence was held in Kinshasa, from 25 to 28 July 2012. Specifically in relation to the Kampala Declaration, member countries adopted the "Zero Tolerance Now" campaign against sexual and gender-based violence in the Great Lakes region.

36. The Democratic Republic of the Congo continues to combat human trafficking and violence against women and children, in particular through legislative and structural reforms, namely: the Child Protection Act No. 09/001 of 10 January 2009 (arts. 162, 169–175, 177–184), which prescribes a penalty for trafficking in children ranging from 10 to 20 years' imprisonment and a fine ranging from 500,000 to 1,000,000 CGF; the National Agency to Combat Violence against Women and Girls, established by Decree No. 09/38 of 10 October 2009, and the National Fund for the Promotion of Women and the Protection of Children.

37. The Democratic Republic of the Congo has sought to give effect to its regional and international commitments to combat all forms of violence against women by developing a national gender policy, adopting the sub-regional plan of action for the implementation of resolution 1325 (2000) and establishing national, provincial and local joint technical coordination committees to combat sexual violence and provincial and local commissions to combat sexual violence

38. The Democratic Republic of the Congo has made considerable efforts to eliminate violence against women and children by prosecuting all presumed perpetrators of sexual violence whose cases are brought before the competent courts, although the situation in the east of the country, specifically in North Kivu and South Kivu and in Province Orientale diminishes the impact of these actions. In this context, rapists and the perpetrators of other sexual offences are prosecuted and convicted by civilian and military courts modelled on the ad hoc military court set up in the east of the country. Moreover, 12 commanding officers of units in the east of the country were prosecuted in accordance with the principle of superior responsibility for human rights violations committed in Minova by troops under their command when Goma was taken. Similarly, international arrest warrants were issued in respect of four M23 officials, namely, Jean-Marie Runiga, Baudouin Ngaruye, Zimurinda and Eric Badege, all of whom are currently residing in Rwanda. The Armed Forces of the Democratic Republic of the Congo play an active part in the implementation of the national strategy against sexual violence, led by the Ministry of Gender, Family Affairs and Children. Moreover, they implement the plan of action on children involved in armed conflict, the main objective of which is to protect children's rights.

Recommendations on improving prison conditions (recommendations 53 and 54)

39. The Democratic Republic of the Congo is concerned to improve living conditions in prisons. Therefore, the Minister of Justice and Human Rights issued Judicial Organization Order No. 029/CAB/MIN/J&DH/2013 of 28 January 2013 concerning the establishment, organization and functioning of local budget management oversight committees for provincial central prisons and detention camps. The Order introduces significant innovations to prisons management in that it establishes a committee in every prison for the administration of resources allocated to the nutrition of prisoners.

40. In the interest of good governance, administration committees are composed of the Provincial Governor or his representative; the Public Prosecutor; the Head of the Provincial Division of Justice; the Prison Warden and two civil society representatives.

41. With regard to infrastructure and with a view to solving the problem of prison overcrowding, the Democratic Republic of the Congo, with the support of partners, has refitted and constructed prisons. Notably, it has done so in Goma prison, Dungu prison in Province Orientale and Makala prison in Kinshasa as well as in Ndolo military prison in Kinshasa and Angenga military prison in Equateur. Nevertheless, with regard to the obsolete laws regulating the prison system, it should be noted that the Democratic Republic of the Congo is currently engaged in a prison reform process with priority emphasis being given to the revision of Decree Law of 17 September 1965 concerning the prison system and the training of prison staff. Seventeen prison directors have been redeployed in the context of the reform and restructuring of the Prison Administration.

Recommendations on children involved in armed conflict (recommendations 55–65)

42. In this connection, a joint plan of action to combat the recruitment and use of children and other serious violations of children's rights by the national armed forces and security services was signed by the Democratic Republic of the Congo and the United Nations special team on children and armed conflict on 4 October 2012. Under the plan, children associated with armed forces and groups including Mai Mai Bakata Katanga were recently separated from adult elements.

Recommendations on the independence of the judiciary, the fight against impunity and reform of the armed forces of the Democratic Republic of the Congo and security forces (recommendations 69–88 and 91–98)

43. In the Democratic Republic of the Congo, the High Council of the Judiciary, which is the sole management body of the judiciary, is made up exclusively of judges. It meets on an annual basis in order to examine all issues relating to the functioning of the judiciary and formulates draft decisions for approval by the President of the Republic.

44. In order to strengthen the independence of the judiciary, the salaries of all 3,750 civilian and military judges were increased by 20 per cent, on average, in 2011. Moreover, the Democratic Republic of the Congo has taken a number of steps in order to strengthen the capacities of the law enforcement agencies and the judicial organs, by continuing to establish special courts, including commercial, labour and juvenile courts; by the creation of a judicial support unit within the military justice system, which is currently being tested in the East; and by the appointment of judges by a number of presidential decrees on 1 June 2013, in order to make the newly-created magistrates', commercial, juvenile and labour courts operational.

45. The Democratic Republic of the Congo is continuing to reform the judicial system and the defence and security sector. A number of initiatives have been taken in this context, including:

- With regard to reform of the judicial system, on the one hand the following laws have been promulgated: Organizational Act No. 13/011-B of 11 April 2013 on the organization, functioning and competence of ordinary courts; Organizational Act

No. 13/010 of 19 February 2013 concerning proceedings before the Court of Cassation; and the Organization and Functioning of the Constitutional Court Act;

- Moreover, the High Court of Justice has been divided to form three new Courts, namely the Council of State, the Court of Cassation and the Constitutional Court, and juvenile and labour courts have been established;
- In order to give effect to the plan of action for judicial reform, the Democratic Republic of the Congo has taken steps such as those described in paragraphs 12 and 13;
- With regard to defence and security sector reform, the promulgation of Act No. 11/013 of 11 August 2011 concerning the organization and functioning of the National Police, Act No. 13/013 of 1 June 2013 concerning the status of career staff in the National Police, Act No. 011/012 of 11 August 2011 concerning the organization and functioning of the Armed Forces of the Democratic Republic of the Congo and Act No. 11/008 of 9 July 2011 concerning the criminalization of torture should be taken into account;
- It should also be noted that under the Planning Act, the Democratic Republic of the Congo will mobilize the necessary resources to continue with the reform of the army. The reform will be implemented in three phases over a total period of approximately 13 years:
    - Beyond the normative framework, the Democratic Republic of the Congo is working to improve accommodation and remuneration conditions for personnel in the Armed Forces and the National Police. Nevertheless, it should be noted that the construction of barracks requires planning laws to be enacted in order to manage the considerable investments required. At this point it is appropriate to mention that new accommodation is being constructed, with the support of the Kingdom of the Netherlands, for officers and troops of the Armed Forces of the Democratic Republic of the Congo at Camp Saio and Camp Nyamunyunyi in South Kivu province and at Colonel Tshatshi Camp in Kinshasa at the expense of the Congolese Government;
    - With regard to military and police salaries, the Democratic Republic of the Congo will first work on the use of banking facilities to control staff numbers, and will envisage salary increases at a later stage;
    - Similar efforts are being made to implement the modernization of human resources management project in the national police force, which includes the identification of every police officer and the issuance of non-falsifiable biometric cards. The project was launched on 8 July in Kinshasa and will be introduced throughout the country. Moreover, efforts are being made to establish a database; to adopt the budgeted five-year plan of action for police reform; to recruit, in the first instance, 500 new police officers by province; and to establish "community policing", seen as a new working method for the territorial units that takes into consideration the security requirements requested by the populace. Community policing has been introduced on an experimental basis in five pilot provinces, namely: Matadi in Bas-Congo, Kananga in Kasaï-Occidental, Bukavu in South Kivu, Bunia in Province Orientale and Kinshasa Commune in Kinshasa. Additionally, efforts are being made to train coaches who can provide professional support to Congolese National Police personnel in implementing the doctrine of community policing, and to provide basic long-term training in Munigi (Goma) and Kapalata (Kisangani) to police officers in provincial police headquarters in North Kivu, South Kivu and Maniema. Other training courses

have been conducted in Kasangulu in Bas-Congo as well as in other provinces;

- Efforts to reform the National Intelligence Agency and the Directorate-General of Migration are evident in due regard for human rights. This has been achieved by putting a human face on the relationship between these agencies and the community and, in particular, by raising the awareness of agency personnel on the law criminalizing torture. Both agencies form part of the human rights liaison entity (the coordination framework that links the public authorities, civil society and development partners);

- With regard to the fight against impunity, it should be noted that in the Democratic Republic of the Congo, incidents of sexual violence committed in government-controlled territory and brought to the attention of the judicial authorities are subject to investigation and prosecution, and convictions are handed down by the competent courts. Moreover, circuit court hearings are organized in remote areas in order to ensure that violations of the law do not persist. During the first semester of 2013, 317 victim case files were prepared of which 269 were referred to the courts (involving 491 victims, 322 in South Kivu and 169 in North Kivu). Of those cases, 77 have come before the courts and 45 convictions have been handed down. Free legal aid was provided to 491 victims and their families and legal advice was dispensed to 203 victims and their families (108 in South Kivu and 95 in North Kivu). Also in the context of the fight against impunity, the Democratic Republic of the Congo enacted a new law giving the Courts of Appeal jurisdiction over international crimes committed in its territory, namely, Organizational Act No. 013/011-B of 11 April 2013 on the organization, functioning and competence of ordinary courts. In this context, it should be recalled that the Democratic Republic of the Congo cooperates closely with the International Criminal Court and provides full support for all of its requests for judicial cooperation. The Democratic Republic of the Congo enforces the law and also takes steps to prevent sexual violence and support victims of sexual violence. The United Nations Population Fund report of 2012 indicates that mechanisms have been established, with the support of partners and through various projects, to provide victims with holistic care. In addition, political, administrative, traditional, military, police, religious and community leaders have been made aware of the need to support action against sexual violence. The technical capacity of 90 medical health facilities, of which 30 are referral facilities, has been strengthened in North Kivu and South Kivu; at least 14,000 cases of sexual violence have received medical treatment, of which at least 3 per cent involved fistula repairs. Some 12,000 victims receive social and psychological care appropriate to their age and situation, with a view to reintegration in their families and communities, and 90 community networks have been strengthened. Legal and judicial assistance has been provided to at least 700 victims and their families, action against impunity has been strengthened and at least 2,520 victims of sexual violence (18 per cent) receive social and economic support for their reintegration and rehabilitation.

Recommendations on the protection of human rights defenders, journalists and members of political parties (recommendations 100–107)

46. The Democratic Republic of the Congo has made efforts to protect journalists and human rights defenders, freedom of expression and association and the right to peaceful demonstration and to punish infringements of these fundamental freedoms. In this context,

it is appropriate to mention the following legislation: Organizational Act No. 11/001 of 10 January 2011 concerning the organization, powers and functioning of the High Council for Broadcasting and Communications (CSAC); Act No. 13/011 of 21 March 2013 concerning the establishment, organization and functioning of the National Human Rights Commission; Decree No. 09/35 of 12 August 2009 concerning the establishment, organization and functioning of the Human Rights Liaison Entity in the Democratic Republic of the Congo; and Ministerial Order No. 219/CAB/MIN/J&DH/2011 of 13 June 2011 on the establishment, organization and functioning of the Protection Unit for Human Rights Defenders, pending the adoption of the bill on the protection of human rights defenders. The eastern territories formerly in rebel hands have posed considerable challenges for the protection of human rights defenders.

47. Political parties exercise their rights to freedom of expression, association and to peaceful assembly freely, in accordance with the law in force. To date, 451 political parties are registered with the Ministry of the Interior.

Recommendations on poverty reduction and access to education and health care (recommendations 109–110, 113–114 and 116–119)

48. The Democratic Republic of the Congo has made significant progress in the spheres of education and health:

(a) In connection with education, the Democratic Republic of the Congo has developed a national education strategy covering the primary, secondary and vocational subsector, among others, which was implemented by the Interim Education Plan (2012–2014). The flagship initiative of the strategy, launched in 2010, is free primary education in public sector schools throughout the country, with the exception of Kinshasa and Lubumbashi. As a result of this initiative, the gross school enrolment rate rose from 83.4 per cent to 98.4 per cent between 2007 and 2012. Other achievements have been recorded under the strategy. These include the construction and rehabilitation of school facilities (1,000 schools, of which 128 have already been constructed and 513 are in the process of construction, 149 by the Support Project for Basic Education (PROSEB) and the construction of training centres and teacher training resources (Kinshasa, Bandundu, Kalemie, Kolwezi, Kikwit, Mbandaka, Kisangani). Moreover, the share of the national budget dedicated to education increased to 15 per cent in 2013 and 17 per cent in 2014. In addition, elementary students are provided with textbooks and teachers are provided with the educational guide. The parity index was 0.87 in 2012;

(b) As regards the health sector, please refer to paragraphs 16–18 on the right to health.

49. With regard to poverty reduction, the Democratic Republic of the Congo adopted the second generation Growth and Poverty Reduction Strategy Paper 2011–2015, which incorporates all of the Millennium Development Goals (MDG) and aligns them with State budget allocations for pro-poor spending. It has developed annual Priority Action Programmes with a view to improving implementation and makes efforts to harmonize government actions and strategies with annual budgets. Moreover, the Democratic Republic of the Congo, with the support of technical and financial partners, has established the Framework for accelerating progress towards the attainment of the Millennium Development Goals in an attempt to achieve the maximum number of MDGs by 2015 by stepping up efforts to achieve the goals adopted by 2015, namely those linked to the sectors of agriculture (MDG1), education (MDG2) and health (MDG3, 4, 5 and 6).

50. According to the national MDG progress report for 2010, the Democratic Republic of the Congo could well achieve some goals relating to combating HIV/AIDS and the empowerment of women.

51. Thanks to the efforts of the Government the Democratic Republic of the Congo was selected at the Spring Meetings held in April 2013 as one of nine countries eligible for support from the international community to develop programmes to accelerate the Education for All Initiative by 2015.

Recommendations on the call for technical assistance from the international community (recommendations 99, 108, 115 and 121)

52. The Democratic Republic of the Congo has taken a number of initiatives to restore peace throughout the country, including security and defence sector reforms; the Kampala Dialogue between the Government and M23; signature of the Addis Ababa framework agreement, development of a monitoring mechanism and holding of national consultations convened by the Head of State in September 2013; and signature of the three Nairobi declarations of 12 December 2013.

53. With regard to basic infrastructure, a number of government programmes are funded by the World Bank, the African Development Bank, the European Union, the United States Agency for International Development (USAID) and other donors. Refugees and internally displaced persons, the Ministry of the Interior, Security, Decentralization and Customary Affairs through the National Commission for Refugees collaborates closely with the competent humanitarian organizations in order to ensure the protection of internally displaced persons.

54. Moreover, Decree No. 13/008 of 23 January 2013 established the National Framework for Humanitarian Dialogue in order to ensure better coordination of humanitarian activities on the ground and better exchange between partners.

Recommendations on the sound management of natural resources and reduction of primary commodities imports (recommendations 111–112)

55. With regard to the sound management of natural resources, it should be recalled that the Democratic Republic of the Congo has acceded to the Kimberley Process, launched in 2002, which aims to combat the trade in blood diamonds. In a similar vein, it established the National Financial Intelligence Unit, which combats money-laundering, by Act No. 04/16 of 19 July 2004.

56. Moreover, the Democratic Republic of the Congo acceded to the Extractive Industries Transparency Initiative by Presidential Order No. 05/160 of 18 November 2006 concerning the establishment, organization and functioning of the National Committee on the Extractive Industries Transparency Initiative in the Democratic Republic of the Congo. In addition, by decision of the Ministry of Finance, it prohibited the exploitation of minerals at unauthorized sites.

57. Furthermore, the Government issued Interministerial Order No. 0711/CAB.MIN/MINS/01/2010 and Interministerial Order No. 206/CAB/MIN/FINANCES/2010 of 15 October 2010 on the procedural manual, traceability, mining products, extraction and exports.

58. With regard to the environment, the Democratic Republic of the Congo has strengthened the concept of forest contracts through the signature of Interministerial Order No. 001/CAB/MIN/ECNT/15/BNME/2012 and Interministerial Order No.

615/CAB/MIN/FINANCES/2012 of 15 December 2012 on the establishment and implementation of the wood production and marketing monitoring programme. These orders, also, aim to ensure the traceability of wood from cutting to sale.

59. In this connection, the Prime Minister issued Decree No. 13/016 of 31 May 2013 establishing the National Commission for Land Reform.

60. With regard to the reduction of primary commodities imports, the Democratic Republic of the Congo created five special economic zones by Decree No. 12/021 of 16 July 2012. To date, only the pilot zone in Maluku has been implemented, at a cost of $120,000,000.

61. Through the Ministry of Finance, the Democratic Republic of the Congo signed a project agreement in the context of the Strategic Partnership Along Value Chains with regard to palm oil, cotton, rice and manioc, opting to invest in agriculture to prevent dependence on foreign imports. On this basis, three agro-industrial areas have been revitalized, namely, N'sele in Kinshasa, Lukelenge in Kasaï-Oriental and Kisanga in Katanga.

V. Achievements, best practices, difficulties and constraints

A. Institutional innovations

62. The key institutional innovations are the establishment of: the High Council for Broadcasting and Communications; the Independent National Electoral Commission; 12 juvenile courts; the Protection Unit for Human Rights Defenders; the One-stop Shop for the creation of enterprises; the National Human Rights Commission; and the National Institute of Social Work.

B. Best practices

63. With regard to best practices, the signature on 4 October 2012 of the plan of action to prevent the recruitment and use of children and other grave violations of children's rights by the armed forces and security agencies of the Democratic Republic of the Congo should be noted, as should the development of the national plan of action to combat the worst forms of child labour in 2011 and the close partnership between the Democratic Republic of the Congo and its international and national partners (non-governmental human rights organizations in the context of follow-up to the universal periodic review.

64. It should also be noted that the Democratic Republic of the Congo has established special structures and mechanisms for the promotion and social welfare of vulnerable persons, including: the National Fund for the Promotion of Women and [the Protection of] Children; the National Strategic Development, Literacy and Informal Education Plan (2012–2020), which is already being implemented; the implementation strategy for the national youth policy; the training and phased deployment of 500 assistants during the period 2010–2013 in juvenile courts; the repatriation of 3,116,631 internally displaced persons by the Government, with support from human development partnership organizations, in May and June 2013 to the East and North East of the Democratic Republic of the Congo (source: Office for the Coordination of Humanitarian Affairs); the organization of training sessions to strengthen the capacities of clerks, bailiffs and criminal investigation officers, from 2010 to 2013; establishment of the National Legal Support Unit in the military justice system; the integration of courses on human rights and international humanitarian law into the training programmes of all military and Congolese National

Police academies; the creation by the Ministry of Gender, Family Affairs and Children of a database and the publication of statistical data on sexual and gender-based violence and its integration into the national human rights education programme; the organization by the Government of public awareness campaigns and the dissemination of information on the law criminalizing torture, the Child Protection Act, various laws on sexual violence, the Protection of [the Rights of] Persons living with HIV/AIDS Act; the organization of public speaking competitions on human rights in the academic sphere, with the support of the United Nations Joint Human Rights Office, the French Embassy and other partners, the winner of which was awarded a study grant for a master of advanced studies in France; the boosting of agricultural production by the provision of more than 2,735 tractors, ploughs and harrows to farmers; the rehabilitation of roads infrastructure and agricultural service roads; and the establishment of liaison bodies at the provincial level.

C. Difficulties and constraints

65. The Government has made considerable efforts to improve the situation of human rights in the Democratic Republic of the Congo. However, it is faced with a number of difficulties linked mainly to the recurrence of armed conflicts. As a result of these conflicts, the budget is limited, due to the low mobilization of public revenues, on the one hand, and, on the other hand, to the allocation of most of the available resources to the imperative need to bring peace to the country. Moreover, allocations to the social sector and the justice and human rights sector are inadequate and there are continuing grave violations of human rights and international humanitarian law. Furthermore, it is difficult to provide holistic care to the victims of sexual violence and other human rights violations and the social and economic infrastructure is destroyed. As for the constraints, it should also be noted that the country faces a considerable backlog with regard to the establishment of magistrates' courts; of the 157 planned, 74 are already operational, although these courts are only competent to hear local and municipal electoral disputes. In this context, it should also be emphasized that the non-compliance by the countries of the Great Lakes region with the commitments undertaken in the context of restoring peace and security in the Democratic Republic of the Congo and in the region should not be overlooked.

VI. Priorities, initiatives and commitments

66. In order to strengthen the human rights situation in the country, the priority focus of the Government of the Democratic Republic of the Congo is on strengthening good governance and peace; diversifying the economy; accelerating growth and promoting employment; improving access to basic social needs; building human capital; pursuing institutional reforms in the public administration, the army, the police force and the judicial system; promoting human rights; combating corruption and impunity; promoting gender; and improving the status of women and children.

VII. State expectations in terms of capacity-building and requests for technical assistance

67. The Democratic Republic of the Congo requests the support of the international community to consolidate peace, on the one hand, by eliminating negative forces and by securing the borders in the east of the country and, on the other hand, to build its human rights capacities in the following areas: strengthening the operational capacities of provincial human rights divisions and human rights liaison entities; increasing assistance to the Interministerial Human Rights Committee in order to enhance its professional profile;

strengthening the operational capacities of human rights technical education centres; establishing a compensation fund for victims of grave human rights violations and violations of international humanitarian law; building the capacity and raising the professional profile of civil society; and supporting the National Human Rights Commission until it obtains accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

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Democratic Republic of the Congo

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (1976) ICESCR (1976) ICCPR (1976) CEDAW (1986) CAT (1996) CRC (1990) OP-CRC-AC (2001) OP-CRC-SC (2001)	OP-CAT (2010)	ICCPR-OP 2 ICRMW CRPD CPED
Reservations, declarations and/or understandings	–	–	–
Complaint procedures, inquiry and urgent action[3]	ICCPR-OP 1 (1976) CAT, art. 20 (1996)	OP-ICESCR (signature only, 2010)	ICERD, art. 14 OP-ICESCR ICCPR, art. 41 OP-CEDAW CAT, arts. 21 and 22 OP-CRC-IC ICRMW OP-CRPD CPED

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide		Conventions on stateless persons[4]
	Rome Statute of the International Criminal Court (ICC)		UNESCO Convention against Discrimination in Education
	Palermo Protocol[5]		ILO Conventions Nos. 169 and 189[6]
	Geneva Conventions of 12 August 1949 and Additional Protocols I and II[7]		Additional Protocol III to the 1949 Geneva Conventions[8]
	Convention on refugees[9]		
	ILO fundamental conventions[10]		

1. In 2009, the Committee on Economic, Social and Cultural Rights (CESCR) urged the Democratic Republic of the Congo to consider ratifying CRPD, OP-CRPD, and OP-ICESCR.[11] In 2013, the Committee on the Elimination of Discrimination against Women

(CEDAW) encouraged the Government to ratify OP-CEDAW and to consider ratifying ICRMW and CPED.[12]

2. CESCR encouraged the Government to consider ratifying ILO Conventions Nos. 169,[13] 155[14] and 176.[15]

3. CEDAW urged the Government to consider ratifying the 2013 Arms Trade Treaty.[16]

4. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the United Nations country team (country team) reported that the Government had ratified the Optional Protocol to the Convention against Torture in 2010, but that the national preventive mechanism had not yet been set up.[17]

5. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Democratic Republic of the Congo accede to the Convention relating to the Status of Stateless Persons[18] and the Kampala Convention.[19]

B. Constitutional and legislative framework

6. OHCHR recommended that the Government adopt legislation on international crimes, including to implement the Rome Statute of the ICC.[20]

7. Welcoming the adoption of the Child Protection Code and the Presidential Decree which ordered the demobilization of all children from the Armed Forces,[21] in 2012 the Committee on the Rights of the Child (CRC) urged the Government to expedite the implementation of the Code.[22]

8. The country team drew attention to the fact that, in 2012, the Government and MONUSCO adopted the Plan of Action to Combat the Recruitment and Use of Children, and other Grave Violations of the Rights of the Child, by the Armed Forces and Security Services of the Democratic Republic of the Congo.[23]

9. The country team reported that the Act authorizing the accession of the Democratic Republic of the Congo to the Convention on the Rights of Persons with Disabilities and its Optional Protocol had been promulgated in 2013.[24]

10. The country team noted the adoption, in 2011, of laws on the organization and functioning of the Congolese National Police (PNC) and the Armed Forces of the Democratic Republic of the Congo (FARDC), and in 2013, on FARDC military regulations and PNC staff rules for career personnel.[25]

11. The country team added that, in 2012, the Senate had adopted the Parity Act, which provided for the establishment of a minimum quota of 30 per cent for women's representation in the institutions of the country.[26]

C. Institutional and human rights infrastructure and policy measures

12. OHCHR noted, in 2013, that the authorities had made significant efforts to advance human rights, including through the introduction of new policies and legislative changes.[27]

13. The country team indicated that the law providing for the establishment of the National Human Rights Commission (CNDH) had been promulgated in March 2013 but that its members had not yet been appointed. The country team added that the authorities needed to ensure that the selection and appointment of commissioners were in conformity with international standards.[28] OHCHR recommended that the Government provide the National Human Rights Commission with the appropriate financial and logistical capacity support.[29]

14. CRC urged the Government to ensure that its domestic legislation enabled it to establish and exercise universal jurisdiction over war crimes related to conscription, enlistment and use of children in hostilities.[30]

15. The country team reported that, owing to a lack of public funding, difficulties had been encountered in implementing the national gender policy and its plan of action, which had been adopted in 2009.[31]

16. The country team stressed that the bill on the protection of human rights defenders had been pending in the parliament since 2011 and that the unit for the protection of human rights defenders was very limited in its functioning, owing to its lack of powers and resources.[32]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[33]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	August 2007	–	–	Sixteenth to eighteenth reports overdue since 2011
CESCR	February 1988	–	November 2009	Fifth report overdue since June 2013
HR Committee	March 2006	–	–	Fourth report overdue since 2009
CEDAW	August 2006	2010	July 2013	Eighth report due in 2017
CAT	November 2005	–	–	Second to fourth reports overdue since 2009
CRC	January 2009	2009 (OP-CRC-AC)	January 2012 (OP-CRC-AC)	Third to fifth reports overdue since 2012 (CRC)/Initial report to OP-CRC-SC overdue since 2004

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
CERD	2008	Prosecution of perpetrators of sexual violence; rights of the Pygmies; and discrimination against the Pygmies[34]	Overdue since August 2008
HR Committee	2007	Measures to follow-up on Committee's recommendations on individual communications; follow-up on Views; investigation of human rights violations; reported enforced disappearances and orphans[35]	Overdue since 2007
CEDAW	2015	Violence against women in conflict-affected areas especially sexual violence; and withdrawal of discriminatory provisions against women[36]	–
CAT	2007	Incorporation of the Convention in the domestic legal order[37]	Overdue since 2007

Views

Treaty body	*Number of views*	*Status*
HR Committee	1[38]	Follow-up dialogue ongoing[39]

17. CEDAW regretted that the State had failed to submit the exceptional report, requested by the Committee in November 2013, on alleged rape and other forms of sexual violence perpetrated against women in the context of the conflict.[40]

B. Cooperation with special procedures[41]

	Status during previous cycle	*Current status*
Standing invitation	No	No
Visits undertaken	Human rights defenders	Summary executions
	Children and armed conflict	Foreign debt
	Internally displaced persons	
	Seven special procedures	
	Violence against women	
	Independence of judges and lawyers	
	Independent Expert on the Democratic Republic of the Congo	
Visits agreed to in principle	Summary executions	
Visits requested	Food	Truth, justice, reparation and guarantees of non-recurrence
Responses to letters of allegations and urgent appeals	During the period under review 22 communications were sent. The Government replied to three of them.	
Follow-up reports and missions	Seven special procedures, summary executions	

18. The special procedure mandate holders noted that the Government had responded to less than 7 per cent of the urgent appeals and allegation letters sent by the experts since March 2008.[42]

19. The mandate holders strongly recommended that the Government issue a standing invitation to all special procedure mandate holders.[43]

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

20. In 2010, a high-level panel convened by the United Nations High Commissioner for Human Rights met with victims of sexual violence[44] and outlined the stark situation of victims of sexual violence in the Democratic Republic of the Congo.[45]

21. Visiting the Democratic Republic of the Congo in 2013, the Deputy High Commissioner for Human Rights said that respect for human rights was key to stabilization succeeding in the country.[46]

III. Implementation of international human rights obligations

A. Equality and non-discrimination

22. CEDAW recommended that the Government withdraw the discriminatory provisions of the Family Code and adopt the draft Law on Gender Equality.[47] It also urged adopting provisions prohibiting polygamy, early marriage, female genital mutilation and levirate.[48] CESCR made similar recommendations.[49]

23. Seven special procedures mandate holders noted that discriminatory laws and practices and impunity remained root causes of violence against women.[50]

24. UNHCR underlined that a high percentage of Congolese children did not have birth certificates, which was a critical issue for returnees, refugees and IDP children, as they were unable to provide any proof of identity or secure any of their rights.[51] It recommended that the Government ensure the birth registration of all children born in the country without discrimination and the provision of late birth registration free of charge.[52] CRC[53] and CESCR made related recommendations.[54]

B. Right to life, liberty and security of the person

25. The country team recalled that, during the first UPR, the Government had pledged to abolish the death penalty and that a preliminary bill on the abolition of the death penalty had been rejected by the National Assembly in 2010. The country team added that the de jure abolition of the death penalty should be put into effect.[55]

26. In 2010, OHCHR stated that numerous human rights violations, including summary executions, rapes, arbitrary arrests and detentions, torture and cruel, inhuman or degrading treatment of civilians, had been committed by FARDC and PNC.[56] The country team stressed that, since 2011, the United Nations Joint Human Rights Office (UNJHRO) had observed an increase in the number of cases of violations of the right to life, which were committed primarily by agents of the national security or defence forces, or by elements of armed groups in the eastern part of the country.[57]

27. OHCHR noted that, since April 2012, the majority of the human rights violations documented by the United Nations Joint Human Rights Office (UNJHRO) had been related to the activities of the Mouvement du 23 mars (M23). M23 had committed gross human rights violations and serious violations of international humanitarian law,[58] as had other armed groups, such as the Democratic Liberation Forces of Rwanda (FDLR) and the Lord's Resistance Army (LRA), operating in the eastern region of the country.[59]

28. OHCHR underlined that those various Congolese and foreign armed groups had been seeking to extend their influence and control over areas rich in natural resources. In that context, killings, enforced disappearances, ill-treatment and rape were often committed as part of systematic attacks on villages and their civilian populations, which might amount to crimes against humanity.[60]

29. The HR Committee recommended that the Government investigate, prosecute and punish all acts of extrajudicial killing and summary execution and grant appropriate reparations to victims or their families.[61]

30. The Special Rapporteur on extrajudicial, summary or arbitrary executions recommended that the Government make clear that killings by private actors, whether against alleged "witches" or criminals, would not be tolerated and that such killings be investigated and punished.[62]

31. The country team pointed to the widespread use of torture by the national defence and security forces (PNC, FARDC and National Intelligence Agency).[63]

32. OHCHR stated in 2010 that detainees in custody were still frequently subjected to torture, which often resulted in the death of or serious injury to the detainee.[64] The Special Rapporteur on extrajudicial, summary or arbitrary executions recommended that prison officials record the details of any deaths in prisons and regularly report to the Ministry of Justice.[65]

33. OHCHR noted that, although the law penalizing torture had been adopted, the consistent application thereof remained a significant challenge, given the lack of capacity and the need to train penitentiary, judicial and security personnel.[66]

34. The country team drew attention to the worrying conditions of detention and to the increasing number of deaths in prison, which were due to prison overcrowding, malnutrition, the lack or absence of medical care and inadequate budgets. It also noted that the conditions of detention and shortage of prison personnel were the underlying causes of riots and breakouts.[67] CESCR urged the Government to allocate the necessary funds to improve the conditions of detention and close all illegal detention facilities.[68]

35. The country team encouraged the Government to establish a special team within the Ministry of Justice that would include international staff members in order to prevent arbitrary detentions and to look for ways to improve the situation of prisoners.[69]

36. OHCHR recalled the recommendations made to the Government to ensure that the police remained the primary law enforcement agency and that it grant UNJHRO and other independent mechanisms free access to all places of detention.[70]

37. UNHCR stated that the National Strategy to Combat Gender-based Violence had yet to provide meaningful results. It also stated that sexual gender-based violence was prevalent across the country and had risen at an alarming rate in the east.[71] UNHCR recommended that the Government take adequate measures to reduce and eradicate incidents of sexual gender-based violence committed by armed elements and establish and strengthen accountability mechanisms.[72]

38. UNJHRO stated that mass rapes had been committed by FARDC in Minova in November 2012, by M23 members in Goma in November and December 2012 and by Mai Mai Simba/Lumumba combatants in June and November 2012.[73] According to OHCHR, those incidents demonstrated how rape had been used as a weapon of war to intimidate populations.[74]

39. CEDAW was deeply concerned at the prevalence of rape and other forms of sexual violence, incest, sexual harassment and domestic violence, acts of torture of women and girls accused of being witches and acts of sexual violence against women detainees.[75] It urged the Government to implement a "zero tolerance" policy, prosecute all acts on violence against women and provide compensation, assistance and rehabilitation to victims.[76]

40. The country team noted that, with the support of the United Nations, the Government had set up special police units for the protection of women and children and had organized training in the prevention of sexual violence for members of the FARDC and PNC.[77]

41. The Secretary-General noted that an alarming number of reports of grave violations of children's rights had been documented, including killing and maiming, child recruitment, sexual violence and occupation of schools.[78]

42. CESCR expressed its deep concern that children were sexually and economically exploited on a massive scale and recommended that the Government fully implement the Child Protection Code.[79]

43. While welcoming the release of tens of thousands of children from the rank of the Armed Forces and armed groups in the previous eight years, CRC urged the Government to provide the National Implementation Unit for the National Disarmament, Demobilization and Reintegration Programme and all State agencies involved with the necessary resources to provide assistance to all former child soldiers.[80]

44. CRC expressed deep concern that children captured by FARDC had been treated primarily as perpetrators rather than victims, unlawfully detained and ill-treated, and that a number of them had been judged by military courts and, sometimes, sentenced to death or to life imprisonment.[81]

45. Expressing its deep concern at the allegations that children were used, especially by certain elements of FARDC, for the extraction of minerals in conditions similar to slavery, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) urged the Government to eliminate the forced labour of children in mines.[82]

46. The ILO Committee of Experts firmly requested that the Government ensure that the National Committee to Combat the Worst Forms of Child Labour was operational and that it formulated the national strategy on the abolition of child labour.[83]

47. Concerned that men, women and children were abducted by armed groups and by FARDC, CESCR urged the Government to criminalize all forms of human trafficking and convict perpetrators.[84] The ILO Committee of Experts also urged the Government to ensure the elimination of the sale and trafficking of children for sexual exploitation.[85]

48. CESCR expressed deep concern that persons with albinism had been killed and their organs used or trafficked for witchcraft ceremonies. It urged the Government to ensure the conduct of investigations and prosecution of those responsible, and apply itself to combating the discrimination against persons with albinism.[86]

C. Administration of justice, including impunity, and the rule of law

49. CESCR expressed deep concern at the state of the justice system, characterized by a severe shortage of judges, a lack of adequate resources, political and military interference and high levels of corruption. It urged the Government to build an independent, efficient, adequately resourced and accountable justice system and exercise greater political will in fighting impunity.[87] CEDAW raised similar concerns and recommendations.[88]

50. The High Commissioner for Human Rights stated that, despite progress in prosecuting some high-profile perpetrators, the criminal justice system remained structurally weak and the lack of independence of the judiciary continued to be observed, in particular when dealing with cases of political opponents and members of civil society.[89]

51. The country team noted that proceedings had been initiated in the military courts against perpetrators of international crimes but that these mostly concerned low-ranking members of the army or police.[90]

52. The joint report of the special procedures highlighted that reforms of the justice and security sectors had not advanced enough and efforts undertaken were undermined by a

lack of will to implement a "zero tolerance" policy against certain influential individuals suspected of serious human rights violations.[91]

53. The country team underscored the establishment of the Supreme Council of Justice, the adoption of measures for dismissing judges implicated in criminal matters or involved in corruption and the recent establishment of children's courts.[92]

54. The Special Rapporteur on summary executions stressed that the Government should investigate, arrest, and prosecute FARDC members responsible for abuses, including Colonel Sultani Makenga, Colonel Innocent Zimurinda, Colonel Bernard Byamungu and Lieutenant Colonel Salumu Mulenda. He added that senior leaders of FDLR based outside the country should be investigated for their role in war crimes and crimes against humanity in the Democratic Republic of the Congo.[93]

55. OHCHR noted that detainees were commonly denied the right to appear before a judge within the 48-hour period required and that that practice had led to the proliferation of *hébergés*, inmates who were detained without officially being charged.[94]

56. OHCHR underlined that very few of the human rights violations during the 2011 elections had resulted in an investigation or prosecution.[95]

57. CRC noted with deep concern that none of the perpetrators of recruitment of children had been convicted and that there was impunity for the most horrific forms of sexual violence and abuses of women and children.[96] Other treaty bodies raised similar concerns.[97]

58. Although the OHCHR mapping report[98] recommended a holistic approach to transitional justice, including tools for vetting the security services for their human rights records, and judicial and non-judicial transitional justice mechanisms, OHCHR stated that the Government had not identified the steps that it needed to take to that end.[99]

59. OHCHR recommended that the Government establish a vetting mechanism to ensure that those responsible for gross human rights violations were removed from the army and recalled that the authorities had committed to do so during the previous UPR.[100] The Security Council also called on the Government to implement such a mechanism.[101]

60. OHCHR noted some positive developments in the fight against impunity, including the conviction of FARDC officers who had deserted the army and had extensive records of human rights violations, and the surrender to the ICC of General Bosco Ntaganda.[102] It added that judicial investigations were also ongoing against Mai Mai Simba/Lumumba combatants.[103]

61. The country team stressed that the Government had recently reiterated its intention not to grant amnesty to perpetrators of violations of human rights or international humanitarian law.[104]

62. Noting with concern that corruption remained endemic, CESCR urged the Government to adopt strong, efficient and time-framed measures to promote good governance and combat corruption.[105]

D. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

63. OHCHR mentioned that, of the human rights violations documented against political party members, journalists and human rights defenders during the 2011 elections period, the fundamental freedoms of expression and assembly and right to liberty and security had been most affected.[106]

64. The country team pointed out that incidents of intimidation, death threats, arbitrary arrests and other human rights violations committed against human rights defenders and journalists by State officials and armed groups were still being registered.[107]

65. UNESCO noted that the Director General of UNESCO had condemned the killings of three journalists and called on the Government to inform it of the actions taken to prevent the impunity of the perpetrators, although it stated that so far, no information had been provided.[108]

66. UNESCO encouraged the Government to decriminalize defamation and place it under the Civil Code,[109] begin introducing a law on freedom of information and further develop self-regulatory mechanisms of the media.[110]

67. OHCHR recalled that, during the previous UPR, it had been recommended that the Government develop a legal framework to ensure the security of journalists, human rights defenders, members of civil society and political opposition. It had also been recommended that they be permitted to exercise freely their rights to freedoms of expression, association and peaceful assembly, in accordance with international standards.[111]

68. Seriously concerned that human rights defenders were exposed to arbitrary detention threats and attacks by Government security, police forces and armed groups, CESCR urged the Government to end that ongoing harassment and persecution and to prosecute those responsible.[112] The special procedure mandate holders[113] and CRC raised similar concerns.[114] OHCHR added that the murder of Mr. Floribert Chebeya in 2010 attested to the seriousness of the attacks on human rights defenders.[115]

E. Right to work and to just and favourable conditions of work

69. Expressing concern at the situation of thousands of artisanal miners who worked in harsh conditions, CESCR called upon the Government to adopt a clear strategy, with the participation of trading companies, to prevent accidents in mines.[116]

70. OHCHR stated that the activities of the mining trading centres, established by the Government to ensure the traceability of minerals, had been suspended in 2012 owing to insecurity and the rivalry between holders of mining titles and artisanal miners. According to OHCHR, the Government had yet to put in place an effective system that would allow for the certification of origin and ensure the traceability of minerals, as well as regularize the working conditions of artisanal miners.[117]

71. OHCHR noted that the unregulated natural resource economy had been the primary recruiter and exploiter of labour in the country and that employees of social services that were supposed to protect labour rights often sacrificed the rights of workers through corruption.[118]

72. The ILO Committee of Experts urged the Government to ensure equality of treatment of Bambuti, Batwa and Bacwa in employment and the enjoyment of their right to engage in their traditional occupations and livelihoods without discrimination.[119]

73. Expressing concern about the numerous cases of harassment, arrest and detention of trade union officials and the obstruction of trade union activities in certain enterprises, CESCR urged the Government to investigate anti-trade union actions and ensure freedom to form and join trade unions.[120]

F. Right to social security and to an adequate standard of living

74. CESCR noted with grave concern that 75 per cent of the population lived in extreme poverty, that 83 per cent of the population had no access to safe drinking water, 70 per cent had no access to hygienic sanitation facilities and only 1 per cent had access to electricity. It recommended that the Government allocate sufficient funds for the implementation of its poverty reduction strategy and ensure that international development aid was utilized for the realization of the right to an adequate standard of living.[121]

75. Stating that the standard of living of the Congolese people hardly corresponded to the country's natural wealth, OHCHR explained the situation by inadequacies in the management of revenue from natural wealth, bad governance and the illegal exploitation of natural resources.[122]

76. Seven thematic special procedures stressed that the lack of transparent and effective Government control over the mining sector deprived the State of funds that it could dedicate to meeting its responsibilities with regard to social and economic rights.[123]

77. Expressing concern at the high level of acute and chronic malnutrition and the vulnerability of the population to food shortages in spite of the country's impressive agricultural potential, CESCR urged the Government to achieve food and nutrition security according priority to the agricultural sector.[124]

78. OHCHR noted that, owing to the chronic underpayment of civil servants, corruption practices had taken root, compromising State efficiency in realizing economic and social rights.[125]

79. The Independent Expert on the effects of foreign debt recommended that the Government ensure that public enterprise reform and its efforts to broaden the tax base did not compromise the enjoyment of all human rights, particularly economic, social and cultural rights.[126]

80. CESCR urged the Government to speed up the process of adoption of a social security code and the establishment of a sustainable social security system.[127]

81. CESCR urged the Government to adopt a national housing policy that would upgrade poor urban settlements and ensure security of tenure; ensure that persons forcibly evicted from their properties be provided with adequate compensation and/or offered relocation; and guarantee that relocation sites were provided with basic services.[128]

G. Right to health

82. In 2009, CESCR was deeply concerned that 4 million people had died since the conflict had begun, that most deaths were caused by preventable and treatable illnesses and that most of the health districts were no longer functioning, leaving 37 per cent of the population totally deprived of any form of health care. It urged the Government to fulfil its commitment to allocate 15 per cent of its budget to building a sustainable health system.[129]

83. OHCHR stated that, in the east of the country, the widespread looting of health clinics, the arbitrary obstruction of humanitarian convoys and the flight of medical workers had aggravated the situation.[130]

84. The country team noted the efforts being made to care for victims of sexual violence, to increase the provision of emergency obstetric and neonatal care and to train midwives. It also noted that a plan of action on reproductive health, gender and population, and a law on maternal health, had been adopted. The country team indicated that, on the

other hand, the share of the budget allocated to the health sector had dropped from 7.83 per cent in 2012 to 3.95 per cent in 2013.[131]

85. CEDAW called upon the Government to ensure the effective implementation of the national strategy to combat maternal and infant mortality; increase access for women and girls to basic health-care services; remove punitive legislative provisions imposed on women who underwent abortion; and improve availability of and access to HIV/AIDS services.[132]

H. Right to education

86. While welcoming the free and compulsory primary education policy, CEDAW remained concerned about its insufficient implementation.[133] It recommended that the Government allocate adequate funding for education to increase the number of schools and teachers, improve the quality of teaching and school infrastructure and ensure de facto equal access of girls to all levels of education.[134]

87. UNESCO noted that there were no schools that provided free education and that most parents could not afford the high cost of tuition.[135]

88. UNESCO also underscored that vulnerable and disadvantaged groups did not enjoy the right to education for various reasons such as early marriage, poverty, living too far away from schools and the high cost of education for children with disabilities.[136]

89. UNESCO suggested that the Government could be encouraged to consider adopting legal provisions to ensure that primary education was free and compulsory for all children without discrimination.[137]

90. CRC recommended that the Government ensure the provision of human rights education and peace education for all children in schools.[138]

I. Persons with disabilities

91. Noting with concern that most adults with disabilities had to resort to begging, CESCR urged the Government to adopt anti-discrimination legislation that provides persons with disabilities with social-policy programmes.[139]

J. Minorities and indigenous peoples

92. Deeply concerned at the negative effect of the systematic and abusive exploitation of forest resources on the way of life of numerous indigenous peoples, CESCR recommended that the Government adopt legislation and measures to recognize the status of Pygmies and other indigenous peoples, in order to protect their ancestral lands as well as their own cultural identity.[140]

93. Expressing deep concern that, in war zones, Pygmies were subjected to mass rapes, extermination and persecution, CESCR urged the Government to ensure that racial discrimination is criminalized as a specific offence.[141] CEDAW recommended that the Government ensure that Pygmy women had access, without discrimination, to basic services and to land.[142]

K. Migrants, refugees and asylum seekers

94. UNHCR stated that, as of June 2013, the total number of asylum seekers and refugees registered in the country amounted to 183,675 persons and that women and girls accounted for approximately 51 per cent of the refugee population.[143]

95. UNHCR noted that asylum seekers still experienced a significant delay in the assessment of their claims and that many refugees continued to face difficulties in assessing their rights.[144] It recommended that the Government process refugee claims within a reasonable time frame and raise awareness on the issue of refugee identity documents to facilitate their acceptance.[145]

96. UNHCR estimated that the Democratic Republic of the Congo hosted nearly 800,000 refugee returnees and internally displaced returnees and noted that the return of forcibly displaced persons had not always been durable, especially owing to security concerns.[146] UNHCR recommended that the Government continue raising international support for the implementation of reintegration programmes and create suitable conditions for the durable return of forcibly IDPs and refugees.[147]

L. Internally displaced persons

97. UNHCR stated that there were an estimated 2.6 million internally displaced persons (IDPs) and there was no comprehensive legal system in place to regulate their protection and assistance.[148] It underlined that their situation was critical, particularly in the Kivus (65 per cent of the total of the IDPs[149]) and some had been displaced several times, with no durable solution in sight.[150]

98. CESCR expressed concern at the precarious situation of the IDPs who rely exclusively on assistance provided by international humanitarian organizations. It noted with deep concern that they were regularly victims of gross human rights and humanitarian law violations committed by all factions engaged in the fighting, including FARDC. It urged the Government to assume its obligations to protect them and respond to their needs.[151]

99. OHCHR underlined the plight of IDPs, who lived in absolute poverty without access to sufficient food, drinking water or health care was particularly worrying.[152]

M. Right to development and environmental issues

100. Expressing concern at the numerous cases of peasants expelled from their land owing to mining operations, CESCR called upon the Government to urgently launch a consultation process with a view to revising the current land law and securing land tenure.[153]

101. Concerned that illicit trade of wood and abusive exploitation of forests adversely affected the ecology and biodiversity, CESCR urged the Government to enforce the moratorium on concessions.[154]

102. Concerned that the illegal exploitation and mismanagement of the natural resources continued with the involvement of foreign companies, CESCR recommended that the Government review all mining contracts and repeal any that are detrimental to the Congolese people; adopt measures to control the export of minerals and impose drastic sanctions on those involved in the illicit trade of natural resources. It also recommended that the Government ensure that revenues derived from natural resources are used to improve basic services and infrastructure so that living conditions may be improved.[155]

Notes

[1] Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on the Democratic Republic of the Congo from the previous cycle (A/HRC/WG.6/6/COD/2).

[2] The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

[4] 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

[5] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[6] International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No. 189 concerning Decent Work for Domestic Workers.

[7] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[8] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[9] 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

[10] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[11] Concluding observations of the Committee on Economic, Social and Cultural Rights on the Democratic Republic of Congo, E/C.12/COD/CO/4, paras. 18 and 38.

[12] Concluding observations of the Committee on the Elimination of Discrimination against Women on the Democratic Republic of Congo, CEDAW/C/COD/CO/6-7, paras. 41 and 45.

[13] International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

[14] International Labour Organization Convention No. 155 concerning Occupational Safety and Health.

[15] International Labour Organization Convention No 176 concerning Safety and Health in Mines. E/C.12/COD/CO/4, paras. 14 and 22.

[16] CEDAW/C/COD/CO/6-7, para. 10 (h).

[17] UNCT submission to the UPR of the Democratic Republic of the Congo, p. 4. See also report of the United Nations High Commissioner for Human Rights on the situation of human rights and the activities of her Office in the Democratic Republic of the Congo, A/HRC/24/33, para. 60.

[18] UNHCR submission to the UPR of the Democratic Republic of the Congo, p. 4. See also CEDAW/C/COD/CO/6-7, para. 36 (c).

[19] African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. UNHCR submission, p. 3.

[20] A/HRC/24/33, para. 60.

[21] Concluding observations of the Committee on the Rights of the Child under OPAC on the Democratic Republic of Congo, CRC/C/OPAC/COD/CO/1, para. 7.

[22] Ibid., para. 35.

[23] UNCT submission, p. 6. See also «La MONUSCO et ses partenaires lancent un Plan d'action nationale en faveur des enfants», 8 February 2013, available from monusco.unmissions.org/Default.aspx?ctl=Details&tabid=11192&mid=14306&ItemID=19607.

[24] UNCT submission, p. 2.

[25] Ibid., p. 7.

[26] Ibid., pp. 1-2.

[27] A/HRC/24/33, para. 2.

[28] UNCT submission, p. 11.

[29] A/HRC/24/33, para. 60.

[30] CRC/C/OPAC/COD/CO/1, para. 37.

[31] UNCT submission, p. 2.

[32] UNCT submission, p. 10. See also A/HRC/24/33, para. 34.

[33] The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR	Committee Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child

[34] Concluding observations of CERD on the Democratic Republic of the Congo, CERD/C/COD/CO/15, para. 27.

[35] Concluding observations of CCPR on the Democratic Republic of the Congo, CCPR/C/COD/CO/3, para. 28.

[36] CEDAW/C/COD/CO/6-7, para. 46.

[37] Conclusions and recommendations of CAT on the Democratic Republic of Congo, CAT/C/DRC/CO/1, para. 17.

[38] Communication No. 1483/2006, *Basongo Kibaya* v. *Democratic Republic of the Congo*, Views adopted on 30 July 2009, A/60/40 (Vol. II) (Supp.).
[39] Ibid., para. 9.
[40] CEDAW/C/COD/CO/6-7, para. 4.
[41] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
[42] Third joint report of seven United Nations experts on the situation in the Democratic Republic of the Congo, A/HRC/16/68, para 14 (the mandate holders were: the Special Rapporteur on violence against women, its causes and consequences, the Representative of the Secretary-General on human rights of internally displaced persons, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the situation of human rights defenders, the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises and the Special Representative of the Secretary-General for children and armed conflict).
[43] Second joint report of seven United Nations experts on the situation in the Democratic Republic of the Congo, A/HRC/13/63, para 116. See also A/HRC/24/33, para. 60.
[44] Press release, "UN High Level panel to hear from victims of sexual violence in Democratic Republic of the Congo", Kinshasa and Geneva, 29 September 2010.
[45] Press Release, "UN report outlines stark situation of victims of sexual violence in DR Congo", Kinshasa and Geneva, 3 March 2011. See also *Rapport du Panel à la Haut-Commissaire aux Droits de l'Homme sur les moyens de recours et de réparation pour les victimes de violences sexuelles en République Démocratique du Congo* (2011).
[46] Press release, "Respect for human rights key to stabilization succeeding in DRC, says top UN human rights official", Kinshasa and Geneva, 28 August 2013.
[47] CEDAW/C/COD/CO/6-7, paras. 38 and 14. See also UNCT submission, p. 2.
[48] CEDAW/C/COD/CO/6-7, para. 20.
[49] E/C.12/COD/CO/4, para. 20. See also ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Democratic Republic of the Congo, adopted 2012, published 102nd ILC session (2013). Available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3087379.
[50] A/HRC/13/63, para 109.
[51] UNHCR submission, p. 4.
[52] Ibid., p. 5.
[53] CRC/C/OPAC/COD/CO/1, para. 27.
[54] E/C.12/COD/CO/4, para. 35.
[55] UNCT submission, p. 3.
[56] Report of the United Nations High Commissioner for Human Rights on the situation of human rights and the activities of her Office in the Democratic Republic of the Congo, A/HRC/13/64, para. 2.
[57] UNCT submission, p. 3.
[58] A/HRC/24/33, para. 3.
[59] A/HRC/13/64, para. 3.
[60] A/HRC/24/33, para. 3. See also report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, S/2013/96, para. 45.
[61] CCPR/C/COD/CO/3, para. 10. See also A/HRC/24/33, para. 10.
[62] Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to the Democratic Republic of the Congo, A/HRC/14/24/Add.3, para 115.
[63] UNCT submission, p. 3. See also A/HRC/24/33, para. 15.
[64] A/HRC/13/64, para. 13.
[65] A/HRC/14/24/Add.3, para 112.
[66] A/HRC/19/48, para. 14.
[67] UNCT submission, p. 4. See also report of the United Nations Joint Human Rights Office (MONUSCO-OHCHR) on Deaths in Detention Centres in the Democratic Republic of the Congo, March 2013 p. 4; report of the United Nations High Commissioner for Human Rights on the situation

of human rights and the activities of her Office in the Democratic Republic of the Congo, A/HRC/16/27 and Corr.1 (French only), paras 16–17, and A/HRC/13/64 and Corr.1, paras. 10–12.

[68] E/C.12/COD/CO/4, para. 32.

[69] UNCT submission, pp. 4-5. See also report of the Working Group on the Universal Periodic Review on the Democratic Republic of the Congo, A/HRC/13/8, para. 96 (6).

[70] A/HRC/24/33, para. 18. See also CAT/C/DRC/CO/1, para. 10; CCPR/C/COD/CO/3, para. 19; and A/HRC/13/8, paras. 97 (1) and (3).

[71] UNHCR submission, p. 6. See also UNCT submission to the UPR of the Democratic Republic of the Congo, p. 5.

[72] UNHCR submission, p. 7.

[73] A/HRC/24/33, para. 24. See also A/HRC/19/48, para. 16; report of the Secretary-General on sexual violence in conflict, A/67/792-S/2013/149, para. 39; and the report of the United Nations Joint Human Rights Office on human rights violations perpetrated by soldiers of the Congolese Armed Forces and combatants of the M23 in Goma and Sake, North Kivu province, and in and around Minova, South Kivu province, from 15 November to 2 December 2012, May 2013 ("the UNJHRO report", available from www.ohchr.org/Documents/Countries/ZR/UNJHROMay2013_en.pdf).

[74] A/HRC/24/33, para. 24. See also the report of the UNJHRO report.

[75] CEDAW/C/COD/CO/6-7, para. 21.

[76] Ibid., para. 22.

[77] UNCT submission, pp. 5 and 6.

[78] S/2013/96, para. 53. See also report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, S/2013/388, paras. 52–53.

[79] E/C.12/COD/CO/4, para. 28.

[80] CRC/C/OPAC/COD/CO/1, paras. 44 and 45.

[81] CRC/C/OPAC/COD/CO/1, para. 46.

[82] ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182) – Democratic Republic of the Congo, adopted 2011, published 101st ILC session (2012). Available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700615.

[83] ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Requests concerning ILO Minimum Age Convention, 1973 (No. 138) – Democratic Republic of the Congo, adopted 2012, published 102nd ILC session (2013). Available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3084220.

[84] E/C.12/COD/CO/4, para. 26. See also CEDAW/C/COD/CO/6-7, para. 24.

[85] ILO Committee of Experts on the Application of Conventions and Recommendations, Direct request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182) – Democratic Republic of the Congo, adopted 2011, published 101st ILC session (2012). Available fromwww.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700616.

[86] E/C.12/COD/CO/4, para. 19. See also OHCHR report on persons with albinism, A/HRC/24/57, paras. 35 and 39.

[87] E/C.12/COD/CO/4, para. 10.

[88] CEDAW/C/COD/CO/6-7, paras. 11 and 12.

[89] A/HRC/24/33, para. 58.

[90] UNCT submission, p. 8.

[91] A/HRC/13/63, para. 108.

[92] UNCT submission, p. 9.

[93] A/HRC/14/24/Add.3, para. 109.

[94] A/HRC/13/64 and Corr.1, para. 6.

[95] A/HRC/24/33, para. 38. See the UNJHRO report.

[96] CRC/C/OPAC/COD/CO/1, para. 38.

[97] E/C.12/COD/CO/4, para. 25; CEDAW/C/COD/CO/6-7, para. 9.

[98] See the report of the mapping exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003, August 2010. Available from http://www.ohchr.org/en/countries/africaregion/Pages/rdcProjetmapping.aspx.

[99] A/HRC/24/33, para. 52.

[100] A/HRC/19/48, para. 56. See also A/HRC/24/33, para. 60 (b).
[101] Security Council resolutions 1906 (2009), para. 32, and 1991 (2011), para. 16.
[102] A/HRC/24/33, para. 48. See also S/2013/388, para. 47.
[103] A/HRC/24/33, para. 48.
[104] UNCT submission, p. 8.
[105] E/C.12/COD/CO/4, para. 11.
[106] A/HRC/19/48, para. 2.
[107] UNCT submission, p. 9. See also A/HRC/16/27 and Corr.1 (French only), para. 43 and A/HRC/13/64 and Corr.1, para. 34.
[108] UNESCO submission to the UPR of the Democratic Republic of the Congo, para. 20.
[109] Ibid., para. 29.
[110] Ibid., para. 30.
[111] A/HRC/24/33, para. 30.
[112] E/C.12/COD/CO/4, para. 12.
[112] A/HRC/13/63, para 114.
[114] CRC/C/OPAC/COD/CO/1, paras. 40-41.
[115] A/HRC/16/27 and Corr.1 (French only), para. 6.
[116] E/C.12/COD/CO/4, para. 22.
[117] A/HRC/24/33, para. 44.
[118] A/HRC/13/64 and Corr.1, para. 25.
[119] ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Democratic Republic of the Congo, adopted 2012, published 102nd ILC session (2013).
[120] E/C.12/COD/CO/4, para. 23. See also ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) – Democratic Republic of the Congo, adopted 2011, published 101st ILC session (2012). Available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_iD:2698672.
[121] E/C.12/COD/CO/4, para. 29.
[122] A/HRC/16/27 and Corr.1 (French only), paras. 33–34.
[123] A/HRC/13/63, p. 2.
[124] E/C.12/COD/CO/4, para. 30.
[125] A/HRC/19/48, para. 29.
[126] Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, on his mission to the Democratic Republic of the Congo, A/HRC/20/23/Add.2, para. 85.
[127] E/C.12/COD/CO/4, para. 24.
[128] Ibid., para. 31.
[129] Ibid., para. 34.
[130] A/HRC/13/64 and Corr.1, para. 27.
[131] UNCT submission, p. 11.
[132] CEDAW/C/COD/CO/6-7, para. 32.
[133] Ibid., para. 27 (b).
[134] Ibid., para. 28.
[135] UNESCO submission, paras. 6 and 7.
[136] Ibid.o, para. 10.
[137] Ibid., para. 23. See also ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Requests concerning ILO Minimum Age Convention, 1973 (No. 138) – Democratic Republic of the Congo, adopted 2012, published 102nd ILC session (2013). Available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3083532.
[138] CRC/C/OPAC/COD/CO/1, para. 29.
[139] E/C.12/COD/CO/4, para. 18.
[140] Ibid., para. 36.
[141] Ibid., para. 17.
[142] CEDAW/C/COD/CO/6-7, para. 36 (a).

[143] UNHCR submission, p. 1.
[144] Ibid., p. 2.
[145] Ibid., p. 3.
[146] Ibid., p. 6.
[147] Ibid., p. 6.
[148] Ibid., p. 3.
[149] Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, S/2013/581, para. 28.
[150] UNHCR submission, p. 3. See also A/HRC/24/33, para. 5.
[151] E/C.12/COD/CO/4, para. 33.
[152] A/HRC/13/64 and Corr.1, para. 27.
[153] E/C.12/COD/CO/4, para. 15.
[154] Ibid., para. 14.
[155] Ibid., para. 13.

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Democratic Republic of the Congo*

The present report is a summary of 27 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

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I. Information provided by stakeholders

A. Background and framework

1. Scope of international obligations

1. The Réseau national des ONG des droits de l'homme en République démocratique du Congo (national network of human rights non-governmental organizations in the Democratic Republic of the Congo) (JS16) noted that the Democratic Republic of the Congo had not implemented the recommendations drawn up during the universal periodic review relating to the ratification of various treaties, including: the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.[2] JS16 recommended that the Government should initiate the ratification process for treaties to which the Democratic Republic of the Congo was not yet party.[3]

2. Freedom from Torture (FfT) was pleased that the Democratic Republic of the Congo had acceded to the Optional Protocol to the Convention against Torture in 2010.[4] The International Federation of Action by Christians for the Abolition of Torture and Action by Christians for the Abolition of Torture in the Democratic Republic of the Congo (JS7) recommended that the Government should establish a national mechanism for the prevention of torture and provide it with the funds necessary to ensure its independence.[5]

3. Stichting Justitia et Pax Nederland (Justice and Peace Netherlands) (JS10) recommended that the law providing for the implementation of the Rome Statute should be adopted by Parliament and promulgated by the Head of State.[6]

2. Constitutional and legislative framework

4. FfT was pleased that the legislation criminalizing torture in 2011 had been enacted.[7]

5. The Groupe Thématique Droits de la Femme et Violences Sexuelles (Thematic Group on Women's Rights and Sexual Violence) (JS8) recommended that Parliament should adopt the Family Code, which had been approved by the Government in April 2013.[8]

6. In accordance with UPR recommendations, the Coalition of NGOs for Reporting and Monitoring the Situation of Human Rights and the Human Rights House (JS4) recommended that the Government ensure the removal of laws that discriminate against women and adopt the necessary legislation to ensure the promotion and protection of women.[9]

7. Franciscans International and VIVAT International (JS6) recommended that the Government should strengthen measures to protect women who had been victims of rape during conflicts by incorporating those measures into legislation.[10]

8. Emphasizing that the law of 2006 on the prohibition and repression of sexual violence did not classify marital rape as a criminal offence,[11] the World Organisation against Torture and Synergie des Femmes pour les Victimes des Violences sexuelles (Women's Synergy for Victims of Sexual Violence) (JS13) recommended the adoption of a law that would make domestic violence a criminal offence.[12]

9. Redress Trust and Synergie pour l'Assistance judiciaire aux Victimes de Violations des Droits Humains au Nord-Kivu (Synergy for Legal Aid for Victims of Human Rights Violations in North Kivu) (JS15) recommended the adoption of legislative amendments to allow for collective complaints to be lodged in the case of crimes in which there were several victims, the formation of victims' groups and the removal of restrictions relating to their operation.[13]

10. JS15 recommended that the Government should ensure that the draft law on the establishment of a public compensation fund for victims of rape met international standards.[14]

11. Appui aux Femmes Défavorisées et aux Enfants Marginalisés (Support for Disadvantaged Women and Marginalized Children) and SOS Information Juridique Multisectorielle (SOS Multisector Legal Information) (JS1) recommended that Parliament should adopt the draft law on the protection of human rights defenders and that the Government should ensure its effective implementation.[15]

12. Noting that a Member of Parliament had submitted a bill in 2010 that would prohibit unnatural sexual practices, including homosexuality,[16] Sexual Rights Initiative and Si Jeunesse savait (If Young People Knew) (JS17) recommended that it should be rejected.[17]

13. The non-governmental organizations representing indigenous pygmy peoples (JS14) recommended that the Government should define the mechanisms necessary for the passage of a specific law for indigenous pygmy peoples that reflected its international obligations.[18]

3. Institutional and human rights infrastructure and policy measures

14. JS1 noted that the law on the establishment of a national human rights commission had been promulgated in March 2013 but that its members had not yet been appointed by the National Assembly.[19] JS1 and JS10 recommended that the Government should make the commission operational as quickly as possible by appointing its members, allocating the funds that it would need in order to work independently and establishing offices in the provinces.[20]

15. FfT was pleased that the Government adopted a national strategy against gender-based violence (2009–2010) and made operational its national agency for the elimination of violence against women (AVIFEM).[21] JS8 recommended that the Government should increase the budget and improve the infrastructure available to the national agency for the elimination of violence against women (AVIFEM) and the national fund for the promotion of women and children.[22]

16. JS18 recommended that the Government should deploy action plans for the implementation of the national gender policy and the national strategy on combating sexual violence and allocate appropriate budgets for those purposes.[23]

17. Noting that the National Council for Children and other bodies provided for by law were still not organized or operational,[24] the universal periodic review coalition for children's rights in the Democratic Republic of the Congo (JS2) recommended that the Government should create a ministry for children's affairs to coordinate all existing child protection policies, manage their budgets and ensure their follow-up.[25]

18. Mentioning that the Ministry of Justice and Human Rights had issued two decrees establishing a Protection Cell for Human Rights Defenders,[26] JS4 recommended that the Government ensure that the Cell has adequate materials, financial resources and technical capacity to carry out its mandate.[27]

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

19. Recalling that the Committee against Torture and the Human Rights Committee had been awaiting the country's reports since 2009,[28] JS16 recommended that the Government should strengthen its cooperation with the treaty bodies and submit the outstanding reports.[29]

20. FfT recommended that the Government issue an invitation to the UN Working Group on Arbitrary Detention.[30]

2. Cooperation with special procedures

21. CIVICUS and the Ligue des Droits de la Personne dans la Région des Grands Lacs (JS3) recommended that the Government extend a standing invitation to all UN Special Procedures, in particular the Special Rapporteur on Human Rights Defenders, the Special Rapporteur on Freedom of Expression and the Special Rapporteur on Freedom of Peaceful Assembly and Association.[31]

22. FfT recommended that the Government issue a standing invitation to all thematic special procedure and invite the Special Rapporteur on Torture.[32]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

23. Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco (Maria Ausiliatrice International Institute of the Salesian Sisters of Don Bosco), VIDES International and Apprentis d'Auteuil (Apprentices of Auteuil) (JS9) emphasized that stereotypes about the role of women were still commonplace, particularly in rural areas, and prevented women from enjoying equal opportunities and fully exercising their rights.[33] They recommended that the Government should identify the obstacles that hindered women from taking up their rightful place in society and combat the root causes of inequality.[34]

24. Noting that, as the war in the eastern part of the country continued, numerous births had not been registered owing to a lack of available services and that children and newborns were being abandoned,[35] JS2 recommended that the Government should register the births of all children under the age of 1 year free of charge.[36] In addition, Défense des Enfants international (Defence for Children International) (JS5) recommended that the law on civil status should be applied to all children without discrimination.[37]

2. Right to life, liberty and security of the person

25. Noting that the Criminal Code still provided for the death penalty even though a moratorium on executions was in force,[38] JS16 recommended that the Government should adopt a law abolishing the death penalty.[39]

26. Human Rights Watch (HRW) stated that between January and September 2009, Congolese army soldiers and their allies had extrajudicially executed more than 730 civilians.[40] According to HRW, many of the worst abuses by the Congolese army during this period had been carried out by former members of the National Congress for the Defence of the People (CNDP), a rebel group that had been integrated into the Congolese army but continued to operate under a parallel chain of command led by Gen. Bosco Ntaganda. HRW added that abuses continued in 2010 and 2011.[41]

27. Ecumenical Network Central Africa (JS12) stated that witnesses had claimed that Bosco Ntaganda personally ordered the execution of at least 34 M23 fighters who had tried to desert the militia. These witnesses also described that Ntaganda and his executive had ordered the execution of several M23 fighters who had been wounded during the battles.[42]

28. JS7 recommended that the Government should arrest all suspected perpetrators of extrajudicial executions in order to bring them to justice.[43]

29. Society for Threatened Peoples (STP) stated that insecurity and massive human rights violations had tremendously increased since the revolt of the militia M23 which had committed massive human rights violations after entering the town of Goma in 2012. STP added that when the Forces armées de la République démocratique du Congo (FARDC) had retreated from the town of Minova, they became responsible for widespread violations of human rights. Furthermore, dozens of civilians died due to abuses by Lord's Resistance Army (LRA) in the north of the country.[44]

30. JS7 recommended that the Government should put an end to the numerous acts of torture carried out in the country[45] by providing human rights training to the members of the police force, the armed forces of the Democratic Republic of the Congo and prison officials in human rights and by taking other actions to that end.[46]

31. The European Association of Jehovah's Christian Witnesses (EAJWC) stated that Jehovah's Witnesses had been victims of inhuman treatment[47] and requested that law enforcement agencies carry out investigations of criminal acts against the Witnesses and punish the perpetrators.[48]

32. JS12 noted that the conditions in prisons remained life threatening throughout the country.[49] JS16 recommended that prison conditions should be improved by taking such steps as ensuring the availability of food and medical care and providing or updating prison infrastructure. It also recommended that all illegal and secret detention centres should be done away with and that the High Commissioner for Human Rights and other independent mechanisms should be given access to detention facilities run by the National Guard and the National Intelligence Agency, as well as to all centres to which observers did not yet have access.[50]

33. JS7 noted that numerous cases of illegal or arbitrary detention had been recorded in 2013.[51] Moreover, JS16 noted that between July 2012 and February 2013, there had been a number of cases in North Kivu in which people had been arrested, arbitrarily detained and tortured by members of the armed forces, the National Intelligence Agency, the Congolese national police and administrative and traditional authorities.[52]

34. JS6 noted that, in the east of the country, armed groups used rape and abduction as a means of subjugating the population, the principal objective being to exploit people in order to derive income from natural resources.[53] JS6 also noted that, in November 2012, members of the armed forces had committed acts of rape in the Minova area.[54] JS6 also noted, however, that a number of punitive actions had been taken by the authorities, including the suspension of 12 members of the armed forces.[55]

35. JS12 stated that even though the Minister of Gender, Family and Children had launched the Action Plan on Combating Sexual Violence in 2009, the number of incidents of rape had not declined, and thousands became victim of sexual violence every year.[56] It added that sexual violence was perpetrated by national and governmental actors as well as by rebel groups such as the M23, Mai Mai and other militia. JS12 highlighted that according to researches, more than 400,000 women and girls had been victims every year of sexual violence in the country.[57]

36. The Lutheran World Federation (JS11) recommended that the Government should strictly enforce the 2006 law on sexual violence and the zero tolerance policy, investigate

allegations of rape being used as a weapon of war and punish the perpetrators of sexual violence, including soldiers from the armed forces, without exception and regardless of their rank.[58]

37. According to its researches, FfT stated that violence against women including rape and other forms of sexual torture, were carried out for political reasons by State actors in non-conflict areas.[59]

38. Stressing that one third of rape cases involved children,[60] JS2 recommended that the Government should systematically investigate and suppress all acts of sexual violence committed against children, punish the perpetrators of such violence, organize awareness campaigns aimed at reducing sexual violence, and provide a national telephone hotline.[61]

39. JS2 noted that the economic and sexual exploitation of children continued, that children were often obliged to perform harmful or hazardous work, that in urban centres they were used as cheap labour in all sectors of the economy and that many girls were sexually exploited.[62] It recommended that the Government should step up the enforcement of legislation that prohibited the worst forms of child labour and, to that end, equip the Ministry of Labour with mechanisms for monitoring child labour.[63]

40. JS6 noted that informal-sector mines in the east of the country had children, some of whom were under 10 years of age, working between 10 and 12 hours per day.[64] It stressed that the children's safety was under constant threat and that the work had a very serious impact on their mental and physical health.[65] JS6 recommended that the Government should put an end to child labour in mines in accordance with its international obligations.[66]

41. Explaining that teenage mothers who lived on the street often abandoned their children and that child trafficking was on the rise in Kinshasa,[67] JS9 recommended that the Government should eradicate all child trafficking networks and set up and provide support for special centres to take in and assist teenage mothers.[68]

42. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment remained lawful in the home, penal institutions and alternative care settings[69] and recommended that the Government prohibit it in all settings.[70]

43. HRW noted that the Government had made significant progress in removing children from within the ranks of the army, releasing children from detention and contacting child protection agencies for assistance.[71]

44. However, JS2 stated that children continued to be recruited, arrested and detained.[72] It recommended that the Government should run a campaign to raise awareness about the demobilization, rehabilitation and reintegration of child soldiers, strengthen the executing agency of the National Programme for Disarmament, Demobilization and Reintegration, (DDR) investigate all allegations relating to the recruitment and use of children by leaders of the armed forces and armed groups, suppress such acts and punish the perpetrators.[73] HRW recommended that the Government implement a new DDR programme.[74]

45. JS12 stated that armed groups such as the M23 and Mai-Mai recruited and abducted children.[75]

3. Administration of justice, including impunity, and the rule of law

46. JS12 highlighted that justice institutions especially the military courts still faced shortages of judges and prosecutors; that the staff did not receive adequate training and could hardly lead their investigations due to a lack of funding. According to JS12, political and command interference are common and magistrates who try to investigate crimes that have a connection to high ranking FARDC officers are threatened, as are witnesses

providing information to judicial officers.[76] HRW recommended that the Government take measures to stop its officials from interfering in judicial proceedings.[77]

47. JS12 underlined that the Minister of Justice and Human Rights had presented a bill on the formation of special courts responsible for the prosecution of genocide, crimes against humanity and war crimes staffed with Congolese and international members, but the Parliament had rejected it.[78] F10 recommended that the Government should expedite the passage of that bill and to establish the mixed court system provided for therein.[79]

48. JS15 recommended that the Government should establish a properly funded mechanism for looking into the past conduct of all officers and removing suspected perpetrators of serious human rights violations from the defence and security forces with immediate effect.[80]

49. JS7 recommended that the Government should act upon the recommendations of the Committee against Torture regarding the placement of all detention facilities under the control of the justice system.[81]

50. JS15 stressed that much of the sexual violence committed during the conflict was directed at groups of individuals but that the judicial system did not employ procedures suited to the large-scale, collective nature of that crime.[82]

51. HRW noted that while the challenges for the justice system remained enormous, there were signs of a greater government commitment to fighting impunity for grave human rights abuses. Since 2012, government officials have stated clearly that the Government will neither provide an amnesty to those allegedly responsible for war crimes or crimes against humanity nor reintegrate them into the army. The Government's insistence on accountability may have contributed to the surrender of M23 leader Bosco Ntaganda in March 2013.[83]

52. Despite pervasive impunity, HRW underlined that the number of military prosecutions of soldiers accused of human rights violations had increased, although the majority of those prosecuted held junior ranks.[84]

53. JS15 stated that, as a rule, crimes of sexual violence committed by members of the State security forces and armed groups continued to go unpunished.[85] Even in cases where prosecutions resulted in convictions, decisions relating to reparations were not implemented.[86]

54. JS12 stated that the most prominent case for flagrant impunity had been the trial against the murderers of the human rights defender Floribert Chebeya, who had been killed in June 2010.[87] It also noted that the investigation into election-related violence in 2011 under international pressure had made little progress.[88]

55. The World Evangelical Alliance and the Association of Evangelicals in Africa (JS19) recommended that the Government implement an effective programme to combat corruption; strengthen measures to ensure the independence of the judiciary[89] and establish a special department to investigate sexual violence.[90]

56. JS15 noted that corruption in the administration of justice was a major obstacle for women and increased the pressure put on victims to withdraw their complaints.[91] It recommended that the Government should take positive measures to do away with the obstacles facing victims of sexual violence and ensure that a sufficient number of medical and psychosocial personnel were available.[92]

4. Right to privacy, marriage and family life

57. JS3 stated that homosexuality had never been illegal; however, there were reports that in October 2010, a bill criminalizing homosexuality had been presented to Parliament.

Under this bill, people who engage in homosexual activity would be sentenced to 3 to 5 years in prison or fined 500,000 Congolese francs.[93]

58. JS17 noted that the rights of lesbian, homosexual, bisexual and transgender persons were violated in various ways, that they were regularly tortured by members of the police, the army or the intelligence services, which extorted money from them, and that they were prosecuted on charges of indecent conduct.[94]

59. JS9 stated that, although the marriage of minor children and marriage between an adult and a child were offences, early marriage remained a common practice.[95]

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

60. EAJCW stated that the Government had failed in its duty to protect Jehovah's Witnesses and allow them to enjoy their freedom of religion.[96]

61. HRW stated that during the presidential and parliamentary elections in 2011, the Government and security force officials had used physical violence, intimidation, threats, arbitrary arrests to silence dissent and to prevent political leaders and activists from freely expressing their opinions.[97] HRW recommended that the Government release all individuals arrested because of their political views or because of their participation in peaceful demonstrations.[98]

62. Reporters without Borders stated that freedom of information had been encroached upon since 2011, particularly in North Kivu. It noted that those responsible for restrictions on the media were primarily the National Intelligence Agency, the police, local and provincial authorities, the Audiovisual and Communications Council (CSAC), the Ministry of Communication and Media, and M23. It added that charges of defamation, slander or the commission of offences against the authorities were often used as a pretext to arrest and/or imprison journalists.[99]

63. Moreover, it noted that the authorities were closing down entire media outlets and that the majority of media outlets were owned by politicians who disseminated government propaganda.[100] It recommended that the Government should implement the recommendations it had committed to in 2009, which had included recommendations that it should decriminalize press offences, pass a law that ensured access to information and guarantee the independence of the Audiovisual and Communications Council (CSAC).[101]

64. JS3 were alarmed by the heavy handed measures taken by the Government that drastically curbed the freedom of speech and assembly, and in particular which make dangerous, expressing dissent in print.[102] They stated that although the Internet had not been reported as subject to State control of any note, the law required bloggers to obtain authorization from the CSAC.[103]

65. JS3 noted that organizers of public events must register in advance with local authorities who may deny authorization within five days of the registration.[104] JS3 recommended that all reported cases of injury to peaceful protestors by security forces be subjected to investigation by an independent commission.[105]

66. Noting that opposition parties were often prohibited from protesting peacefully,[106] JS16 recommended that the Government should ensure that members of political parties, the media and civil society were allowed to exercise their rights to freedom of expression, association and assembly without hindrance.[107]

67. JS3 stated that the human rights defenders were victims of harsh treatment, in particular in the eastern region[108] and JS4 noted that those worked in a climate of impunity.[109] It recommended that the Government ensure that the perpetrators of the

assassination of Floribert Chebeya Bahizire[110] and the disappearance of Fidel Bazana Edadi are prosecuted[111]

68. JS7 emphasized that the safety of human rights defenders associated with Action by Christians for the Abolition of Torture in the Democratic Republic of the Congo had been threatened and recommended that the Government should ensure their protection.[112]

69. JS13 noted that female defenders of fundamental rights were particularly at risk of violence owing to both their work and their gender and that many of them had been threatened, harassed or actually abducted or assassinated.[113]

70. JS3 noted that trade unionists were reportedly harassed, arrested and prosecuted and must also compete with a number of State sponsored trade unions that were not independent.[114]

71. JS4 recommended that the Government strengthen the electoral law in order to make inadmissible any electoral lists from political parties that do not respect the 30 per cent quota for women.[115]

72. JS18 recommended that the Government should ensure that 50 per cent of the participants in all peace negotiations and processes were women.[116]

6. Right to work and to just and favourable conditions of work

73. JS6 noted that minors were exposed to dangerous working conditions and health problems. Despite Government efforts to vet a number of sites and the acquisition of an increasing number of mines by specialist companies, informal-sector mines still constituted the majority of mining sites in the east of the country.[117] JS6 stressed that, owing to the effective lack of transparency in the extraction process and the inability to track minerals through the supply chain, some of the minerals that reached the global market had been produced by exploiting children and came from a region where violence was perpetrated against the entire population.[118]

74. JS6 recommended that the Government should implement the Regional Certification Mechanism of the International Conference on the Great Lakes Region with regard to coltan, tin, wolframite and gold in order to combat the illegal traffic in these natural resources and should adhere to the guidelines established by the Extractive Industries Transparency Initiative.[119]

75. Stating that artisanal mines had been exploited by both State officials and private companies,[120] JS19 recommended that the Government conduct an investigation to clarify the circumstances surrounding the transactions and contracts in the mining industry and implement legislation that obliges mining companies to publish their mining contracts and information concerning legal and financial transactions.[121]

7. Right to social security and to an adequate standard of living

76. STP stated that the Democratic Republic of the Congo would miss all of its Millennium Development Goals due to insecurity, illegal exploitation of resources by armed militias and mass exodus of the civilian population. Due to the fighting and the ongoing poverty in the east, the national income per capita is less than 50 cents per day and the country is in last place in the annual UNDP human development rankings.[122]

77. JS9 noted that the social and economic infrastructure of Kinshasa had not kept pace with the migration-driven population explosion there.[123] Around 25,000 children lived on the street, and 70 or 80 per cent of them said that they had been accused of witchcraft by the adults who had abandoned them.[124] JS9 recommended that the Government should

adopt provisions on the phenomenon of so-called "witch children" under which adults who accused their children of witchcraft could be punished by law.[125]

78. JS14 recommended that the Government should adopt and implement special measures to ensure the socioeconomic integration of indigenous pygmy peoples.[126]

8. Right to health

79. Elizabeth Glaser Pediatric AIDS Foundation (EGPAP) stated that sexual and gender-based violence (SGBV) was one of the greatest threats to women's health in the country where SGBV rates were among the highest in the world.[127]

80. EGPAP noted that at the end of 2011, more than 1.1 million Congolese were infected by HIV[128] and that people living with HIV continued to face high levels of stigma in the community and by health-care providers.[129] EGPAP recommended that the Government increase national financing for HIV prevention, care and treatment services.[130]

81. JS14 noted that indigenous pygmy peoples did not enjoy equal access to health services, that their villages did not have health-care facilities and that they had almost no access to drinking water.[131]

82. JS2 noted that the budget for child heath remained extremely small and that households continued to contribute directly to the cost of health care for their children.[132] It recalled that the mortality rate among children under 5 years of age was one of the highest in the world[133] and that around half of all children under 5 suffered from either acute malnutrition (11 per cent) or global malnutrition (38 per cent).[134] JS2 recommended that the Government should improve access to basic health services and care and combat malnutrition.[135]

83. JS9 was concerned by the high rate of teenage pregnancy, particularly in urban areas,[136] and recommended that the Government should adopt specific measures to reduce pregnancy-related health risks.[137]

9. Right to education

84. The Marist International Solidarity Foundation (FMSI) highlighted that in spite of the Constitution declaring that education was free, families paid fees and that was a major cause of school non-enrolment and drop out.[138] According to FMSI, 45 per cent of all children who enrol in primary school end up dropping out before completing their education.[139] JS4 recommended that the Government take steps to eliminate all fees for public primary schools and extend free primary education to all provinces.[140] JS2 recommended that the Government should take affirmative action to encourage girls to stay in school.[141]

85. Noting that the conflict in the east of the country had affected 240,000 pupils and that more than 600 schools had been ransacked or burned down in 2012,[142] JS2 recommended that the Government should prohibit the use of school buildings for purposes other than education and place priority on the construction and renovation of schools.[143]

86. Noting that only 18.7 per cent of indigenous pygmy children were enrolled in primary school,[144] JS14 recommended that the Government should pay particular attention to indigenous pygmy peoples when drawing up its education policies and programmes.[145]

87. JS9 recommended that the Government should increase its efforts to include human rights education in school curricula.[146]

10. Persons with disabilities

88. JS9 noted that there was no comprehensive programme of action to protect persons with disabilities and that a significant number of persons with disabilities lived in extremely difficult conditions.[147]

11. Minorities and indigenous peoples

89. STP underlined that the rights of indigenous forest peoples were still violated and that many Pygmy groups had been forced out of the forests to settle down in internally displaced people (IDP) camps in which they were facing discrimination and the denial of basic services. STP added that numerous development programmes did not take into account the specific problems faced by indigenous peoples.[148]

90. JS14 noted that agriculture, livestock-raising and logging activities had forced many indigenous peoples to abandon their forests and traditional way of life and that the majority of these peoples had become dependent on casual labour or had resorted to begging in order to survive.[149] It stated that the right of indigenous pygmy peoples to their lands was not always secure and continued to be flouted.[150]

91. JS14 recommended that current land and forest reforms and international initiatives to which the Government had committed itself should devote particular attention to indigenous pygmy peoples and ensure their right to access and control their lands and natural resources.[151]

12. Internally displaced persons

92. JS12 noted that since April 2012, the number of IDPs had risen to more than 2.6 million in June 2013 and that the clashes between FARDC and M23 had uprooted up to 40,000 people. The attacks of the ADF-NALU in early 2013 had raised up to 70,000 people into refugee camps in the neighbouring countries. It added that access to water and health services was also extremely difficult, as up to 80 per cent of the provincial health centres had been looted. JS12 expressed a great concern at the living conditions in the makeshift refugee camps as the number of informal camps were growing, especially in North Kivu. According to JS12, the IDPs live there in absolute poverty, without access to drinking water, health care or sufficient food.[152]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org

Civil society
Individual submissions:

EAJCW	European Association of Jehovah's Christian Witnesses, Kraainem, Belgium;
EGPAF	Elizabeth Glaser Pediatric AIDS Foundation, Geneva, Switzerland;
FfT	Freedom from Torture, London, UK;
FMSI	Marist International Solidarity Foundation, Geneva, Switzerland;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, UK;
HRW	Human Rights Watch, New York, USA;
RSF-RWB	Reporters sans frontiers – Reporters without Borders, Paris, France;
STP	Society for Threatened Peoples, Göttingen, Germany.

Joint submissions:

JS1	Joint Submission No 1: Appui aux Femmes Démunies et Enfants Marginalisés au Kivu en RDC (AFEDEM Suisse) and SOS Information Juridique Multisectorielle, (SOS IJM asbl), Geneva, Switzerland;

JS2 Joint Submission No 2: Coalition EPU des Droits des Enfants en RDC (CEDERC); Action Contre les Violations des Droits des Personnes Vulnérables (ACVDP), Actions pour la Protection et l'Encadrement de l'Enfant (APEE), Assistance Humanitaire aux Enfants Vulnérables Orphelins (AHEVO), Bureau pour le Volontariat au Service de l'Enfance et de la Santé (BVES), Catholic Relief Service (CRS), Centre de Recherche des Voies pour l'Épanouissement et l'Autonomie (CERVEAU), Centre de formation et d'Action pour le Développement (CFAD), Coalition National de l'Éducation pour Tous (CONEPT), Coalition des ONG des Droits de l'Enfant (CODE), Congo Handicap, Fondation Solidarité des Hommes (FSH), Héritiers de la Justice, Human Dignity in the World (HDW), Jeunes et Femmes pour les Droits de l'Homme et la Paix (JFDHP), Save the Children International (SCI), Search for Common Ground (SFCG), Solidarité pour un Monde Meilleur (SMM), Vorsi Congo, War Child Holland (WCH), War Child UK (WCUK) and World Vision International (WVI), Bukavu, DRC;

JS3 Joint Submission No 3: World Alliance for Citizen Participation (CIVICUS) and Ligue des Droits de la Personne dans la Région des Grands Lacs (LDGL); Johannesburg, South Africa;

JS4 Joint Submission No 4: Coalition of Non-Governmental Organisations for Reporting and Monitoring the Situation of Human Rights (CORRSDH) and Human Rights House (MDH): Amis de Nelson Mandela pour les Droits de l'Homme, Association africaine pour la Défense des Droits de l'Homme, Association pour le Bien-Etre de l'Enfant congolais, Bureau de Volontariat au Service de l'Enfance et de la Santé, Coupole, Fonds pour la Femme congolaise, Forum de la Femme ménagère, Groupe Lotus, Ligue des Electeurs, Protection des Femmes et Enfants Victimes des Violences, Restauration African Center, Solidarité Echange pour le Développement intégral, Solidarité féminine pour la Paix intégrale, Solidarité pour un Monde meilleur, Toges noires, Kinshasa, DRC;

JS5 Joint Submission No 5: Défense des Enfants international (DEI-Congo), Réseau national des Droits de l'Homme (RENADHO) and Groupe de Travail Protection et Education, niveau national Kinshasa, Kinshasa, DRC;

JS6 Joint Submission No 6: Franciscans International (FI) and VIVAT International, Geneva, Switzerland;

JS7 Joint Submission No 7: Fédération internationale de l'Action des Chrétiens pour l'Abolition de la Torture (FIACAT) and Action des Chrétiens pour l'Abolition de la Torture en République démocratique du Congo (ACAT-RDC), Paris, France and Kinshasa, DRC;

JS8 Joint Submission No 8: Groupe thématique Droits de la Femme et Violences sexuelles (GTDFVS): Avocats du Monde international (AMI ASBL), Association pour la Protection des Personnes Vulnérables (APPROPEV), Centre d'études sur la Justice et la Résolution 1325 CJR 1325, Forum de la Femme Ménagère (FORFEM), Protection des Victimes de Violences (PROVIVI), Restoration African Center (RAC), Solidarité des Femmes pour la Paix et le Développement Intégral (SOFEPADI), Centre de Réhabilitation et Réinsertions Socioprofessionnel (CRISP), Jeunesse et Femme pour les Droits Humains et la Paix (JFDHOP), Association de Femmes Juristes du Congo (AFEJUCO), La Femme pour la reconstruction et Développement du Congo (LAFERDEC), Association des femmes Rizicultrices de Kingabwa (AFRIKI), Association Africaine des Droits de l'Homme (ASADHO), Filles et Femmes en Action pour les Droits Humains (FIFADH), Forum des Femmes pour la bonne Gouvernance et la Démocratie (FFBGD), Communauté pour la Promotion des Humains (CPH), Carrefour des Femmes lèves toi et brilles (CAFEM), Synergie de Femmes Solidaires pour le Changement dans la Justice (SFCJ), CHARICONGO, Association des Femmes pour les Droits et le Développement (AFD), Collectif d'Associations Féminines du Territoire de Rutshuru (CAFR), Barza de femmes pour la paix dans le territoire de Béni, Ligue pour la solidarité congolaise (LSC), Kinshasa, DRC;

JS9 Joint Submission No 9: Istituto Internazionale Maria Ausiliatrice (IIMA), International Volu..teerism Organisation for Women, Development and Education (VIDES International) and Apprentis d'Auteuil, Geneva, Switzerland;

JS10 Joint Submission No 10: Justitia et Pax Pays Bas, Action mixte pour le développement (AMIDE), Amani instate, Campagne pour la paix, Centre d'initiative pour le développement au Nord Kivu, CJR1325, Coalition des volontaires pour la paix et le développement (CVPD), Collectif des organisations des jeunes du Congo Kinshasa (COJESKI), Congo Peace Network (CPN), Fondation Kiza Muhigirwa, Réseau provincial des organisations non gouvernementales des droits de l'homme au Congo (REPRODHOC), Solidarité pour la promotion sociale et la paix (SOPROP), SOS IJM asbl and Synergie pour l'assistance judiciaire aux victimes des violations des droits humains (SAJ), The Hague, The Netherlands;

JS11 Joint Submission No 11: Fédération luthérienne mondiale, World YMCA and Réseau des Associations des Femmes Juristes de l'Est de la RDC (RAFEJE), Geneva, Switzerland;

JS12 Joint Submission No 12: Ecumenical Network Central Africa (OENZ), Brot für die Welt, MISEREOR, Pax Christi and Vereinte Evangelishe Mission (VEM), Berlin, Germany;

JS13 Joint Submission No 13: Organisation mondiale contre la Torture (OMCT), Synergie des Femmes pour les Victimes des Violences Sexuelles (SFVS), Association des Femmes Médecins (AFEMED/NK), Défenseur judiciaire et association dynamique des femmes juristes, Association pour la Défense des Droits de la Femme (ADDF), Femmes Engagées pour la Promotion de la Santé Intégrale (FEPSI), Mutaani FM, Marche Mondiale de la femme, Ligue pour la Solidarité Congolaise (LSC), Programme Promotion des Soins de Santé Primaires (PPSSP), Marche Mondiale des femmes, Synergie des femmes/Walikale UCF, SOS Information Juridique Multisectorielle (SOS IJM), Congo Renaitre, ASBL/REVIVRE, APC, Action des Chrétiens Activistes des Droits de l'Homme a Shabunda (ACADHOSHA), Syndicat d'Initiatives pour le développement du territoire de Mwenga (SIDEM), Association des Femmes Juristes Congolaises (AFEJUCO), Coordinatrice Provinciale Regard Rural Sans Frontière (RRSF) and Centre Olame, Arche D'Alliance, Geneva, Switzerland;

JS14 Joint Submission No 14: Foyer de Développement pour l'Autopromotion des Pygmées et Indigènes Défavorisés (FDAPYD – Hope Indigenous Peoples), Ligue Nationale des Associations des Peuples Autochtones Pygmées du Congo (LINAPYCO), Organisation d'Accompagnement et d'Appui aux Pygmées (OSAPY, Programme d'Intégration et de Développement du Peuple Pygmée au Kivu (PIDP SHIRIKA LA BAMBUTI), Programme de Réhabilitation et de Protection des Pygmées (PREPPYG), Réseau des Populations Autochtones et Locales pour la Gestion durables des Ecosystèmes Forestiers en République Démocratique du Congo (REPALEF/RDC)and Union pour l'Émancipation de la Femme Autochtone (UEFA), Goma, DRC;

JS15 Joint Submission No 15: Synergie pour l'Assistance judiciaire aux Victimes de Violations des Droits humains au Nord-Kivu (SAJ) and REDRESS, London, UK;

JS16 Joint Submission No 16: AFEJUCO, ALFA, ASADHO, CAD, CODE, CODHOD, COJESKI, CREDDHO, GROUPE LOTUS, LINAPYCO, LIZADEEL, OCDH, RAF, REDHUC, RENADHOC, REPRODHOC-KINSHASA, REPRODHOC-EQUATEUR, RODHECIC, RRSSJ, VHDH and VSV, Kinshasa, DRC;

JS17 Joint Submission No 17: Si jeunesse savait (SJS) and Sexual Rights Initiative coalition (SRI), Ottawa, Canada;

JS18 Joint Submission No 18: Women and Development National Committee (CONAFED), Justice and Peace Episcopal Commission (CEJP), Permanent Consultative Framework of Congolese Women (CAFCO), Action For the wellbeing of Congo (ABEC), Forum of Women Homemaker (ForFem), Gender and Women Rights Network (GEDROFE), Awakening and Dynamism of Grassroots Women (RDF/Base), Coalition of Women for Peace and Development (CFDP), Congolese

Association of Women Lawyers (AFEJUCO), INTERACTION, Forum of Mothers (women) from Ituri (FOMI), the Official Overseas Development Agency of the Catholic Church in Ireland (TROCAIRE), Maynooth, Ireland;

JS19 Joint Submission No 19: World Evangelical Alliance (WEA) and Association of Evangelicals in Africa (AEA), Geneva, Switzerland.

[2] JS16, para. 3, p. 6.
[3] JS16, para. 5, p. 7.
[4] FfT, para. 4.
[5] JS7, part 1, p. 4. See also FfT, para. 27.
[6] JS10, para. 17, p. 6.
[7] FfT, para. 4.
[8] JS8, para. 15, p.5. See also JS11, p. 4 and JS18, para. IV.
[9] JS4, para. 26, p. 8. See also JS13, paras. 10–13, p. 3 and JS18, para. IV.
[10] JS6, para. 15, p. 6.
[11] JS13, para. 38, p. 7.
[12] JS13, p. 9. See also JS17, para. 41, p. 9.
[13] JS15, para. 25, p. 7.
[14] JS15, para. 33, p. 9.
[15] JS1, para. VII, p. 5. See also JS4, para. 12, p. 5.
[16] JS17, para.10, p. 4.
[17] JS17, para. 34, p. 9.
[18] JS14, para. 24.9.
[19] JS1, para. 7, p. 3. See also JS7, p. 2.
[20] JS1, part VII, p. 5 and JS10, para. 10, p. 4. See also JS16, para. 5, p. 7.
[21] FfT, para. 4.
[22] JS8, para. 15, p. 5.
[23] JS18, para. II.
[24] JS2, para. 7, p. 1.
[25] JS2, para. 8, p. 2. See also JS5, para. III, p. 5.
[26] JS4, para. 13, p. 5.
[27] JS4, para. 15, p.6. See also JS10, para. 14, p. 5 and JS12, p. 10.
[28] JS16, para. 4, p. 6.
[29] JS16, para. 5, p. 7.
[30] FfT, para. 27.
[31] JS3, para. 5.5, p. 10.
[32] FfT, para. 27.
[33] JS9, para. 9, p. 3.
[34] JS9, para. 12, p. 4.
[35] JS2, para. 23, p. 5.
[36] JS2, para. 24, p. 6.
[37] JS5, para. III, p. 5.
[38] JS16, para. 20, p.11. See also JS7, para. 6, p. 8.
[39] JS16, para. 22, p. 11. See also JS7, para. 6, p. 9 and HRW, part 5, p. 5 and part 6, p. 6.
[40] HRW, part 2, p. 1.
[41] HRW, part 2, pp. 1 and 2.
[42] JS12, p. 3.
[43] JS7, part 2, p. 5.
[44] STP, p. 1. See also HRW, part. 2, p. 2 and JS12, p. 4.
[45] JS7, para. 1, p. 3.
[46] JS7, part 1, p. 4.
[47] EAJCW, para. 26, p. 5.
[48] EAJCW, para. 29, p. 5.
[49] JS12, p. 5. See also FfT, para. 17.
[50] JS16, para. 22.
[51] JS7, part 3, p. 6.
[52] JS16, para. 15, p. 8. See also JS12, p. 4.

[53] JS6, para. 8, p. 3.
[54] JS6, para. 14, p. 5.
[55] JS6, para. 15, p. 5.
[56] JS12, p. 7.
[57] JS12, p. 8. See also JS17, paras. 39, p. 9.
[58] JS11, p. 8. See also JS15, para. 12, p. 4 and JS6, para. 15, p. 5.
[59] FfT, para. 26.
[60] JS2, para. 16, p. 4.
[61] JS2, para. 19, p. 4.
[62] JS2, para. 20, p. 5.
[63] JS2, para. 21, p. 5.
[64] JS6, para. 11, p. 4.
[65] JS6, para. 12, p. 4.
[66] JS6, para. 16, p. 5.
[67] JS9, para. 30, p. 8.
[68] JS9, para. 32c, p. 9.
[69] GIEACPC, para. 1.2, p. 1.
[70] GIEACPC, p. 1.
[71] HRW, part 2, 2. See also JS4, para. 23, p. 7 and JS12, p. 9.
[72] JS2, para. 14, p. 3.
[73] JS2, para. 15, pp. 3–4. See also JS4, para. 24, p. 8.
[74] HRW, part 6, p. 6 and JS7, part 4, p. 7.
[75] JS12, p. 9.
[76] JS12, p. 6.
[77] HRW, part. 6, p. 6.
[78] JS12, pp. 6–7.
[79] JS10, para. 23, p. 7. See also HRW, part 6, p. 6 and JS13, p. 8.
[80] JS15, para. 36, p. 9. See also JS16, para. 18, p. 10 and HRW, part 6, p. 6.
[81] JS7, part 3, p. 6.
[82] JS15, para. 22, p. 6.
[83] HRW, part 1, p. 1.
[84] HRW, part 5, p.5.
[85] JS15, paras. 8 and 9, pp. 2 and 3.
[86] JS15, para. 28, p. 7.
[87] JS12, p. 7.
[88] JS12, p. 7. See also HRW, part 4, p. 4.
[89] JS19 paras. 22–23, p. 6.
[90] JS19, para. 32, p. 7.
[91] JS15, para.17, p. 5.
[92] JS15, para.21, p. 6.
[93] JS3, para. 3.10, p. 7.
[94] JS17, para. 9, pp. 3 and 4.
[95] JS9, para. 29, p. 8.
[96] EAJCW, para. 26, p. 5.
[97] HRW, part 3, p. 2. See also STP, p. 2.
[98] HRW, part 6, p. 6. See also JS3, para. 5.3, p. 9 and para. 3.4, p. 6.
[99] RSF-RWB, p.1. See also JS1, para. 4, pp. 3–4 and JS3, para. 5.3, p. 9.
[100] RSF-RWB, p. 4. See also JS3, para. 5.3, p. 9.
[101] RSF-RWB, p. 5. See also STP, p. 2.
[102] JS3, para. 1.4, p. 1.
[103] JS3, para. 2.8, p. 4.
[104] JS3, para. 2.9, p. 4.
[105] JS3, para. 5.3, p. 9
[106] JS16, para. 26. See also HRW, part 3, pp. 3–4.
[107] JS16, para. 31, p. 14.
[108] JS3, para. 3.1, p. 5.

[109] JS4, para. 2, p. 2.
[110] JS4, para. 3, p. 1. See also, JS4, paras. 4, 5 and 5.1–5.6, pp. 2–4 and JS16, para. 31, pp. 13 and 14.
[111] JS4, para. 6, p. 4. See also HRW, part 4, p. 4 and JS12, p. 11.
[112] JS7, para. 5, pp. 7–8.
[113] JS13, para. 44, p. 8.
[114] JS3, para. 3.7, p. 6.
[115] JS4, para. 31, p. 9.
[116] JS18, para. III. See also, JS13, paras. 33 and 34, p. 6 and p. 8 and JS11, pp. 6–7.
[117] JS6, para. 9, p. 3. See also JS12, paras. 27–29, p. 7.
[118] JS6, para. 10, p. 4. See also JS12, pp. 11–12.
[119] JS6, para. 16, p. 5. See also JS12, pp. 11–12.
[120] JS19, para. 8, pp. 3 and 4.
[121] JS19, paras. 24–25, p. 6.
[122] STP, p. 1.
[123] JS9, para. 16, p. 5.
[124] JS9, para. 17, p. 5.
[125] JS9, para. 21, p. 6.
[126] JS14, para. 24.4.
[127] EGPAF, para. 9, p. 2.
[128] EGPAF, para. 5, p. 1.
[129] EGPAF, para. 8, p. 2.
[130] EGPAF, para. V.b, p. 3.
[131] JS14, para. 18.
[132] JS2, para. 34, p. 8.
[133] JS2, para. 36, p. 8.
[134] JS2, para. 38, p. 9.
[135] JS2, para. 40, p. 9.
[136] JS9, para. 29, p. 8.
[137] JS9, para. 32, p. 9.
[138] FMSI, para. 8, p. 2. See also JS4, paras. 17–22, pp. 6 and 7.
[139] FMSI, para. 10, p. 2. See also FMSI, p. 3.
[140] JS4, para. 22, p. 7. See also JS9, paras 22–24, p.7, para. 27a, p. 8 and JS2, para. 25, p. 6.
[141] JS2, para. 28, p. 6. See also JS5, para. III, p. 4 and JS9, para. 27c, p. 8.
[142] JS2, para. 29, p. 6.
[143] JS2, para. 30, p. 6.
[144] JS14, para. 21. See also STP, p. 2.
[145] JS14, para. 24.6.
[146] JS9, para. 27d, p. 8.
[147] JS9, para. 8, p. 3. See also JS2, paras. 47 and 48, p. 11.
[148] STP, pp. 2 and 3. See also JS12, p. 12.
[149] JS14, para. 10.
[150] JS14, para. 14.
[151] JS14, para. 24.1.
[152] JS12, pp. 8 and 9.